IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC. APPLICATION (FOR ANTICIPATORY BAIL) NO. 8482 of 2026

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PRIYANKABEN W/O. BRIJESHBHAI PATEL
Versus
STATE OF GUJARAT

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Appearance:
MR N.D. NANAVATY, SENIOR ADVOCATE with MR NEEL P LAKHANI(10679) for the Applicant(s) No. 1
MR RONAK RAVAL, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE P. M. RAVAL**

Date : 13/04/2026

ORAL ORDER

1. Learned advocates Mr. Prem Jariwala and Fenil Master state that they have instructions to appear on behalf of *de facto* complainant Yashkumar Kirtikumar Patel as well as victim Mr. Pathik Jiteshbhai Patel, respetively. They shall file their Vakalatnama before the registry in due course.

1.1 Registry to accept their Vakalatnama.

2. *Rule*. Learned advocates for the respective respondents waive service of notice of rule.

3. By way of this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short, "BNSS"*), the applicant has prayed for anticipatory bail in the event of arrest in connection with the FIR being C.R. No. 11210045261179 of 2026, registered with Pandesara Police Station, District: Surat for the offences punishable under Sections 318(4), 338, 336(2), 336(3), 340(2) and 54 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

4. Learned senior advocate for the applicant, at the outset, submits that the matter is settled between the parties and the *de facto* complainant and the original victim have no objection if present application is considered in favour of the applicant.

4.1 The learned senior advocate for the applicant submits that even otherwise, the nature of allegations are such that custodial interrogation at this stage is not necessary. It is further submitted that the applicant will keep herself available during the course of investigation and trial also and will not flee from justice.

4.2 The learned senior advocate for the applicant further states that the applicant shall abide by all the conditions that may be imposed while granting anticipatory bail to the applicant. Accordingly, it is urged that this application may be allowed and to grant the anticipatory bail to the applicant.

5. As against this, the learned Additional Public Prosecutor

appearing on behalf of the respondent – State has opposed grant of anticipatory bail looking to the nature and gravity of the offence and requested not to entertain this application.

6. The learned advocates for the *de facto* complainant as well as the original victim produce affidavits of settlement, affirmed by the *de facto* complainant as well as the victim, which are taken on record.

7. Having heard the learned advocates appearing for the parties and perusing the papers available on record, it is incumbent upon the Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in plethora of decisions of the Apex Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are (i) the nature and gravity of the accusation; (ii) the antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence; (iii) the possibility of the applicant to flee from justice; and (iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested. Though at the stage of granting bail an elaborate examination of evidence and detailed reasons touching the merits of the case, which may prejudice the case of accused, should be avoided. However, following aspects have been taken into

consideration:

a) the applicant is a lady and appears to be a namesake partner in the firm which was run by the husband who is currently in judicial custody;

b) aggrieved parties *i.e.* the *de facto* complainant and the victim have arrived at a settlement with the applicant herein and affidavits to that effect are produced on record stating therein *factum* of settlement and no active role of the applicant in the offence in question;

c) the applicant has no past antecedents;

d) the learned advocate for the applicant has assured that the applicant will not flee from justice and would be available during investigation as well as the trial.

8. Considering the aforesaid aspects and the law laid down by the Hon'ble Apex Court in the case of ***Siddharam Satlingappa Mhetre v. State of Maharashtra and Others,*** *reported in* ***(2011) 1 SCC 6941***, wherein the Hon'ble Apex Court reiterated the law laid down by the Constitution Bench in the case of ***Shri Gurubaksh Singh Sibbia & Others,*** *reported in* ***(1980) 2 SCC 665*** and also the decision in the case of ***Sushila Aggarwal v. State (NCT of Delhi),*** *reported in* ***(2020) 5 SCC 1***, the Court is inclined to allow the present application.

9. In the result, this application is allowed by directing that in the event of arrest/ appearance of the applicant in connection with the above-referred FIR, the applicant shall be released on bail on

furnishing a personal bond of **Rs.10,000/- (Rupees Ten Thousand)** with one surety of like amount on the following conditions that applicant:

(a) shall cooperate with the investigation and make available for interrogation whenever required;

(b) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

(c) shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

(d) shall remain present at the concerned Police Station as and when called for;

(e) shall at the time of execution of bond, furnish the address to the investigating officer and the court concerned and shall not change residence till the final disposal of the case till further orders;

(f) shall not leave India without the permission of the Court and if having passport shall deposit the same before the trial Court within a week;

(g) It is open to the police or the investigating agency to move the learned trial Court for a direction under Section 483(2) of the BNSS to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial, etc.

9.1 At the trial, the Trial Court shall not be influenced by the

prima facie observations made by this Court while considering the bail application.

10. It is made clear that this order of anticipatory bail does not in any manner limit or restrict the rights or duties of the police or investigative agency to investigate into the charges against the applicant who is granted pre-arrest bail.

11. Rule is made absolute to the aforesaid extent. **Direct service** is permitted.

[P. M. Raval, J.]

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Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: HIREN VIRENDRABHAI MER(HC00351), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 13/04/2026 17:14:59