Reserved On : 17/08/2026
Pronounced On : 21/08/2026

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR CANCELLATION OF BAIL) NO. 2855 of 2026

With
R/CRIMINAL MISC.APPLICATION NO. 2729 of 2026
With
R/CRIMINAL MISC.APPLICATION NO. 2741 of 2026

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PARMAR JAIMIN GAUTAMBHAI
Versus
STATE OF GUJARAT & ORS.

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Appearance:
MS KIRAN UDASI FOR D H KANTHARIYA(7505) for the Applicant(s) No. 1
MR NIRAJ SHARMA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE SANJEEV J.THAKER**

CAV ORDER

1. This are applications for cancellation of bail preferred by the present applicant – original complainant under Section 483(3) of the Bharatiya Nagrik Suraksha Sanhita ('the BNSS' for short), seeking quashing and setting aside the impugned orders in CR.M.A.No.2855 of 2026 dated 24.12.2025 passed by the learned trial Court i.e. 3rd Additional District & Sessions Judge, Ahmedabad in Criminal Misc. Application No.3912 of 2025, in CR.MA.NO.2729 of 2026, by order dated 04.12.2025 passed by the learned trial Court i.e. 3rd Additional District & Sessions Judge, Ahmedabad in Criminal Misc. Application No.3760 of 2025 and in CR.MA.No.2741 of 2026 by an order dated 24.12.2025 passed by the learned trial Court i.e. 3rd Additional District & Sessions Judge,

Ahmedabad in Criminal Misc. Application No.3957 of 2025, whereby the learned trial Court has granted anticipatory bail to the respondent–original accused in connection with FIR being C.R. No.11192050250754 of 2025 registered with Sanand Police Station, District Ahmedabad Rural, for the offences punishable under Sections 108 and 54 of the Bhartiya Nyay Sanhita.

2. Rule. Learned APP waive service of notice of rule for and on behalf of respondent – State.

3. Learned advocate appearing for the applicant has vehemently submitted that the learned trial Court has failed to appreciate the gravity and seriousness of the offence alleged against the respondent–accused and has mechanically granted bail. It is submitted that the impugned order has been passed without proper consideration of the material available on record, which has adversely affected the ongoing investigation. It is further contended that the possibility of the respondent–accused tampering with the prosecution evidence and influencing witnesses cannot be ruled out.

3.1 It is further submitted that while considering the bail application preferred by the respondent–accused, the learned trial Court did not adequately examine the evidence collected during the course of investigation and therefore, committed a

grave error in exercising its discretion in favour of the accused. The learned advocate has drawn attention to the serious allegations levelled against the respondent–accused in the FIR and submitted that the nature and gravity of such accusations were not properly appreciated by the learned trial Court while granting bail.

3.2 Referring to the documents and material collected by the Investigating Officer, learned advocate for the applicant submitted that ample evidence has been gathered during the investigation, which, *prima facie*, establishes the direct involvement of the respondent–accused in the commission of the alleged offence. Despite the availability of such incriminating material, the learned trial Court failed to assign proper weight to the same and erroneously granted bail to the respondent–accused.

3.3 It is, therefore, submitted that the impugned order granting bail suffers from non-application of mind and improper appreciation of the material on record. Considering the seriousness of the offence, the strength of the evidence collected during investigation and the likelihood of prejudice to a fair investigation, it is submitted that the present application may be allowed by cancelling the bail granted to the respondent–accused in the interest of justice.

4. Learned Additional Public Prosecutor appearing for the State has adopted the submissions advanced by the learned advocate for the applicant and has further submitted that the impugned order granting bail to the respondent–accused is contrary to the material available on record. It is contended that the learned Trial Court has granted bail without properly appreciating the evidence collected during the course of investigation and without taking into consideration the gravity and seriousness of the offence alleged against the respondent–accused.

4.1 It is further submitted that the learned Trial Court has failed to consider the affidavit filed by the Investigating Officer, wherein specific grounds were raised opposing the grant of bail. The contents of the said affidavit, which were material and relevant for deciding the bail application, have not been duly considered by the learned Trial Court while exercising its discretion in favour of the respondent–accused.

4.2. Learned APP has further submitted that having regard to the nature of the allegations, the seriousness of the offence, and the material collected during investigation, the case clearly warranted custodial interrogation of the respondent–accused.

4.3 It is, therefore, submitted that the learned Trial Court has exercised its discretion in an erroneous manner and that the impugned order deserves to be set aside and this Hon'ble Court may be pleased to allow the present application, cancel the bail granted to the respondent–accused.

5. Having heard the learned advocates appearing for the respective parties and upon perusal of the impugned order passed by the learned Trial Court as well as the material available on record, this Court is of the view that the present application has been filed merely on the basis of presumptions and assumptions, without placing on record any cogent material or demonstrating the existence of any supervening or prevailing circumstances warranting interference with the order granting bail. In the absence of any substantive material to justify the relief sought, the application does not merit consideration.

5.1. Considering the facts of the present case, the role attributed to the present applicant is that the entire dispute is with respect to the fact that the deceased had committed suicide because there were certain disputes with respect to the joint family property and it is the case of the complainant that though the deceased was a co-owner in the property, the accused had sold the said property and caused

lot of mental trauma to the deceased and therefore the deceased had no other option but to commit suicide. It is the case of the complainant that during his lifetime the deceased had made a suicide note and also recorded a video, the transcript of which clearly names the present accused.

5.2. The case of the prosecution is that the deceased was a joint owner of the property in question and had a share therein. According to the prosecution, the accused did not give the deceased his lawful share. It is further alleged that the share of the deceased was also sold by the accused. The grievance of the deceased was therefore not only about non payment of his share. He was also aggrieved by the fact that his share in the property was dealt with and sold. According to the prosecution, this continued to cause mental harassment to the deceased.

5.3. The prosecution relies upon a suicide note left by the deceased. In the said note, the deceased has made allegations against the accused persons. He has referred to the harassment allegedly caused to him because his share in the joint property was not given to him and because the property was sold.

5.4. The prosecution has also relied upon a video recording. In the said video, the deceased is stated to have himself

spoken about the harassment caused to him by the accused persons. Thus, the prosecution case is not based only upon allegations subsequently made by the complainant or the relatives of the deceased. The prosecution relies upon the statements and allegations attributed to the deceased himself in the suicide note and the video recording.

5.5 At the outset, it is necessary to consider the scope of the present proceedings. This is not an application seeking anticipatory bail for the first time. The respondents have already been granted such protection. Therefore, the Court has to examine whether there is sufficient ground to cancel the protection already granted.

5.6 The principles applicable while considering an application for bail and those applicable while considering cancellation of bail are not the same. Once bail has been granted, its cancellation may be justified if the accused misuses the liberty, threatens or influences witnesses, tampers with evidence, avoids the investigation or commits any other act which affects the fair course of the proceedings. Bail may also be cancelled where the order granting it is found to be arbitrary, perverse or passed without considering material circumstances.

5.7. Therefore, two questions arise for consideration. First,

whether the respondents have misused the liberty granted to them or whether any subsequent circumstance has arisen which requires cancellation of their anticipatory bail. Second, whether the order granting anticipatory bail suffers from such a serious error that its continuation cannot be permitted. So far as the conduct of the respondents after grant of anticipatory bail is concerned, no material has been placed before this Court to show any misuse of liberty. There is no allegation that the respondents have threatened or influenced the complainant or any witness. There is also no allegation of tampering with evidence, absconding, avoiding investigation or committing any further offence. It is also not shown that they have otherwise obstructed the investigation.

5.8. The Court must therefore examine whether the original order granting anticipatory bail calls for interference because the material against the respondents was not properly considered. The material relied upon by the prosecution is undoubtedly serious. The suicide note is attributed to the deceased himself. In the note, allegations of harassment have been made against the accused persons in relation to his share in the property. The video recording is also attributed to the deceased and is stated to contain allegations regarding the same harassment. These circumstances cannot be ignored. The allegation concerning the property also requires consideration. According to the

prosecution, the deceased had a share in the joint property. That share was not given to him and was subsequently sold by the accused. If this allegation is established during investigation and trial, it would certainly form part of the background in which the deceased was allegedly subjected to mental harassment.

5.9. At the same time, the existence of a property dispute or the mental distress caused by such dispute does not, by itself, establish abetment of suicide. The conduct of each accused has to be examined separately. The Court has to see whether the acts attributed to the particular accused disclose instigation, intentional aid or any other conduct which falls within the scope of abetment. The connection between such conduct and the suicide also has to be considered.

5.10. The allegations in the present case, however, cannot be described as vague or without any factual basis. The deceased is stated to have referred to the accused in the suicide note. He is also stated to have spoken about them in the video recording. Both are connected with the same grievance regarding his share in the property and the harassment allegedly caused to him. Whether these circumstances ultimately prove the offence of abetment is a matter for the appropriate stage of the criminal proceedings.

5.11. The suicide note, however, cannot be treated as conclusive proof of the guilt of every person named in it. The Court has to consider the role of each accused. It has to examine what part was played by that person, what conduct is attributed to him or her, when such conduct took place and whether it had the necessary connection with the suicide. The mere fact that a person is named in a suicide note does not, by itself, complete the ingredients of the offence. At the same time, the fact that the dispute relates to property also cannot be a reason to discard the prosecution case at the threshold. A dispute may be civil in nature, but the manner in which the parties conduct themselves during such dispute may give rise to criminal liability. In the present case, the allegation is of continuous harassment coupled with deprivation and sale of the deceased's share. These allegations require investigation on their own facts.

5.12. This Court, however, is not required to decide whether the respondents will ultimately be convicted or acquitted. It is also not required to decide at this stage whether the suicide note and the video recording are sufficient to prove the offence beyond reasonable doubt. Those questions have to be considered at the appropriate stage and on the basis of the evidence brought on record.

5.13 On examining the material placed before this Court, it cannot be said that the order granting anticipatory bail was passed without considering the relevant circumstances or that the exercise of discretion was manifestly arbitrary or perverse. The seriousness of the allegations, the relationship between the parties, the property dispute and the material collected during investigation are all relevant considerations. However, they do not by themselves establish that the order granting anticipatory bail is legally unsustainable.

5.14. Another important aspect is the individual role of the respondents. They are the brother and other family members of the deceased. Merely because the deceased has made allegations against the family members, it cannot be presumed that every accused had the same role or acted with the same intention. The prosecution has to collect and place material showing the specific conduct of each accused.

5.15. The allegation that the deceased's share in the property was sold by the accused is a matter which requires proper investigation. The investigating agency would be required to examine the title and ownership documents, the share of the deceased, the manner in which the property was dealt with, the persons involved in the transaction, the consideration received and the role of each

accused. These facts may have relevance in determining the nature of the dispute and the conduct attributed to the respondents.

5.16. The video recording also requires proper examination. Its source, date, authenticity, continuity and contents can be verified during investigation. The same applies to the suicide note. Its authorship, manner of recovery and surrounding circumstances can be examined in accordance with law. At this stage, it would not be proper for this Court to give a final finding regarding their evidentiary value.

5.17. The Court is conscious that the deceased is stated to have himself complained of being deprived of his share and of being mentally harassed by his own family members. The fact that such allegations were made before his death gives them significance. Nevertheless, the seriousness of the allegations cannot by itself become a ground for cancelling anticipatory bail. The Court has to apply the principles governing cancellation of bail.

5.18. The Court must also avoid a detailed appreciation of evidence at this stage. If this Court were to decide whether the suicide note conclusively proves instigation, whether the video establishes harassment, whether the sale of the

deceased's share was the reason for his suicide and whether each respondent possessed the required intention, it would amount to conducting a mini trial. Such an exercise is not warranted in the present proceedings.

5.19 Upon a careful examination of the findings recorded and the conclusions arrived at by the learned Judge, this Court finds that all the relevant facts and circumstances of the case have been duly considered. The impugned order reflects proper application of mind to the material available on record, and detailed as well as cogent reasons have been assigned by the learned Judge while passing the said order. This Court does not find any perversity, illegality, or infirmity in the reasoning adopted by the learned Trial Court warranting interference.

5.20 It is well settled that the parameters governing rejection of a bail application at the initial stage and cancellation of bail already granted by a competent Court are distinct and operate in different spheres. Once bail has been granted, its cancellation can be justified only upon the existence of cogent and overwhelming circumstances, such as misuse of liberty by the accused or the emergence of supervening circumstances warranting such cancellation.

5.21 In the present case, the learned advocate for the

applicant has failed to point out any supervening circumstance that has arisen subsequent to the grant of bail. Furthermore, it is not even the case of the applicant and the State that the respondent–accused has misused the liberty granted by the Court, breached any of the conditions imposed, tampered with evidence, influenced witnesses, or otherwise acted in a manner prejudicial to the fair conduct of the proceedings. In the absence of any such material, no case is made out for cancellation of the bail granted by the competent Court.

5.22 In the case of ***P. Vs. State of Madhya Pradesh & Anr.***, reported in ***(2022) SCC Online SC 552***, the Hon'ble Supreme Court has enumerated the circumstances, when bail could be canceled and one of the conditions stated therein is the misuse of the liberty granted to the accused concerned by the Court by involving himself in a subsequent crime.

5.23 Further, it would be fruitful to refer to the decision of the Hon'ble Apex Court in the case of ***Ajwar Vs. Waseem*** reported in ***2024 INSC 438***, wherein the Hon'ble Apex Court has observed that the same Court which granted bail to an accused can cancel the bail if there are serious allegations against him, even if the accused has not misused the bail. If there are serious allegations against the accused, even if he has not misused the bail granted to him, such an

order can be canceled. However, once bail is granted, it ought not to be canceled in a mechanical manner. An unreasonable or perverse order of bail may invite interference by the Apex Court. Personal liberty is one of the cherished Constitutional freedoms, and once bail is granted during the pendency of the trial, it must only be retracted in the face of grave circumstances. The Hon'ble Supreme Court in the said decision, in paragraphs 27 and 28, has observed as under :

> *"27. The considerations that weigh with the appellate Court for setting aside the bail order on an application being moved by the aggrieved party include any supervening circumstances that may have occurred after granting relief to the accused, the conduct of the accused while on bail, any attempt on the part of the accused to procrastinate, resulting in delaying the trial, any instance of threats being extended to the witnesses while on bail, any attempt on the part of the accused to tamper with the evidence in any manner. We may add that this list is only illustrative and not exhaustive. However, the court must be cautious that at the stage of granting bail, only a prima facie*

case needs to be examined and detailed reasons relating to the merits of the case that may cause prejudice to the accused, ought to be avoided. Suffice it is to state that the bail order should reveal the factors that have been considered by the Court for granting relief to the accused.

28. In Jagjeet Singh (supra), a three-Judges bench of this Court, has observed that the power to grant bail under Section 439 Cr.P.C is of wide amplitude and the High Court or a Sessions Court, as the case may be, is bestowed with considerable discretion while deciding an [2024] 5 S.C.R. 593 Ajwar v. Waseem and Another application for bail. But this discretion is not unfettered. The order passed must reflect due application of judicial mind following well established principles of law. In ordinary course, courts would be slow to interfere with the order where bail has been granted by the courts below. But if it is found that such an order is illegal or perverse or based upon utterly irrelevant material, the appellate Court would be well within its power to set aside and cancel

the bail."

5.24 In the case of ***Gurcharan Singh and others Vs. State (Delhi Administration)***, reported in ***(1978) 1 SCC 118***, the Hon'ble Supreme Court had an occasion to observe that the concept of setting aside the unjustified, illegal or perverse order is totally different from the concept of canceling the bail on the ground that the accused has misconducted himself or because of some new facts are requiring such cancellation. In Paragraph No.16, the Hon'ble Supreme Court Court has observed as under :

> *"16. Section 439 of the new Code confers special powers on High Court or Court of Session regarding bail. This was also the position under Section 498 CrPC of the old Code. That is to say, even if a Magistrate refuses to grant bail to an accused person, the High Court or the Court of Session may order for grant of bail in appropriate cases. Similarly under Section 439(2) of the new Code, the High Court or the Court of Session may direct any person who has been released on bail to be arrested and committed to custody. In the old Code, Section 498(2) was worded in somewhat different language when it said that a*

High Court or Court of Session may cause any person who has been admitted to bail under sub-section (1) to be arrested and may commit him to custody. In other words, under Section 498(2) of the old Code, a person who had been admitted to bail by the High Court could be committed to custody only by the High Court. Similarly, if a person was admitted to bail by a Court of Session, it was only the Court of Session that could commit him to custody. This restriction upon the power of entertainment of an application for committing a person, already admitted to bail, to custody, is lifted in the new Code under Section 439(2). Under Section 439(2) of the new Code a High Court may commit a person released on bail under Chapter XXXIII by any Court including the Court of Session to custody, if it thinks appropriate to do so. It must, however, be made clear that a Court of Session cannot cancel a bail which has already been granted by the High Court unless new circumstances arise during the progress of the trial after an accused person has been admitted to bail by the High Court. If,

> *however, a Court of Session had admitted an accused person to bail, the State has two options. It may move the Sessions Judge if certain new circumstances have arisen which were not earlier known to the State and necessarily, therefore, to that Court. The State may as well approach the High Court being the superior Court under Section 439(2) to commit the accused to custody. When, however, the State is aggrieved by the order of the Sessions Judge granting bail and there are no new circumstances that have cropped up except those already existed, it is futile for the State to move the Sessions Judge again and it is competent in law to move the High Court for cancellation of the bail. This position follows from the subordinate position of the Court of Session vis-a-vis the High Court."*

5.25 The aforesaid observations made by the Hon'ble Supreme Court has been reiterated by the Hon'ble Supreme Court in the case of ***Puran Vs. Rambilas & Anr.***, reported in ***(2001) 6 SCC 338*** as well as in case of ***Abdul Basit alias Raju & Ors. Vs. Mohd. Abdul Kadir Cahudhary & Anr.,*** reported in ***(2014) 10 SCC 754***.

5.26 In the case of ***Ranjit Singh Vs. State of M.P.***, reported in ***(2013) 16 SCC 797***, the Hon'ble Supreme Court has held as under in Para-19 :

> *"19. It needs no special emphasis to state that there is distinction between the parameters for grant of bail and cancellation of bail. There is also a distinction between the concept of setting aside an unjustified, illegal or perverse order and cancellation of an order of bail on the ground that the accused has misconducted himself or certain supervening circumstances warrant such cancellation. If the order granting bail is a perverse one or passed on irrelevant materials, it can be annulled by the superior court. We have already referred to various paragraphs of the order passed by the High Court. We have already held that the learned trial Judge has undefined misconstrued the order passed by the High Court. However, we may hasten to add that the learned Single Judge has taken note of certain supervening circumstances to cancel the*

> *bail, but we are of the opinion that in the obtaining factual matrix the said exercise was not necessary as the grant of bail was absolutely illegal and unjustified as the court below had enlarged the accused on bail on the strength of the order passed in Ranjeet Singh v. State of M.P. [Ranjeet Singh v. State of M.P., MCRC No. 701 of 2013, order dated 1- 2-2013 (MP)] remaining oblivious of the parameters for grant of bail under Section 439 CrPC. It is well settled in law that grant of bail though involves exercise of discretionary power of the court, yet the said exercise has to be made in a judicious manner and not as a matter of course."*

5.27 At this juncture, the observations made by the Hon'ble Supreme Court in case of ***Dolat Ram & Ors. Vs. State of Haryana***, reported in ***1995(1) SCC 349***, is required to be recollected. It was observed therein that very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail already granted. The grounds for cancellation of bail though are broad, but illustrative and not exhaustive; are interference or attempt to interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the

accused in any manner. The Court should satisfy for availability of the grounds for satisfying of the bail or cancellation of the bail and one of the possibility is accused being absconded. The bail once granted, should not in a mechanical manner, without any grounds, or supervening circumstance, which affects the very principle of fair trial be cancelled.

5.28 In the present case, the impugned order passed by the learned Trial Court is founded upon sound legal principles and is supported by cogent and well-reasoned findings. This Court finds no infirmity, perversity, or illegality in the said order so as to warrant interference in exercise of its jurisdiction.

6. Thus, in view of the aforesaid facts and circumstances, this Court is of the considered opinion that the applicant has failed to make out any case warranting interference with the impugned order granting bail in favour of the respondent–accused. No sufficient grounds, reasons, or supervening circumstances have been brought on record so as to justify cancellation of bail or to persuade this Court to take a different view than that taken by the learned Trial Court.

7. Accordingly, the present application is **rejected**. Rule is discharged.

(SANJEEV J.THAKER,J)

URIL RANA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: RANA URIL K(HC01406), PRIVATE SECRETARY, at High Court of Gujarat on 21/08/2026 14:27:29