

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 12670
of 2026****With
R/CRIMINAL MISC.APPLICATION NO. 12891 of 2026**

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**SHIRISHBHAI ASHOKBHAI GARANGE
Versus
STATE OF GUJARAT**

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Appearance:
MR ANAND BRAHMBHATT(6096) for the Applicant(s) No. 1
MR KISHAN N BRAHMBHATT(11382) for the Applicant(s) No. 1
MR MAUNISH T PATHAK(5892) for the Respondent(s) No. 1
MR. NIRAJ SHARMA, APP for the Respondent(s) No. 1
SUNIL H PRAJAPATI(8350) for the Respondent(s) No. 1
=====**CORAM:HONOURABLE MR.JUSTICE SANJEEV J.THAKER****Date : 08/07/2026****ORAL ORDER**

1. The narrative unfolding from the FIR and, specifically, the suicide note, presents a deeply troubling picture that transcends a routine financial dispute. *Prima facie* the available material suggests the applicant went far beyond a demand for loan repayment, allegedly subjecting the deceased to persistent intimidation, humiliation, and psychological coercion. The threat to force the deceased's wife into prostitution directly assaults the core dignity, honor, and sanctity of the family unit. Such a threat, if verified *prima facie* is inherently capable of destabilizing the mental equilibrium of any ordinary individual and plunging them into absolute despair. Because personal self-respect and the

protection of a spouse's honor are foundational societal values, a severe onslaught on these principles through such degrading intimidation cannot be treated lightly by the Court.

1.1 The present case arises out of the suicide committed by the deceased, who, prior, to taking the extreme step, allegedly left behind a suicide note specifically naming the present applicants and holding them responsible for the circumstances that purportedly drove the deceased to commit suicide, and there is also a dying declaration of the deceased taken before the Police wherein the deceased has named the accused.

2. 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. 11191040261125 of 2026**, registered with **Sardarnagar Police Station, District: Ahmedabad City** for the offences punishable under **Sections 108, 351(2) and 54 of the BNS and Sections 33 and 40 of the Gujarat Money Lenders Act.**

2.1. **Rule.** Learned APP waives service of notice on behalf of the respondent-State.

3. Heard learned advocate for the applicant and learned APP for respondent – State of Gujarat.

4. The learned advocate for the applicant has mainly argued that, considering the facts of the present case, that the FIR was lodged after the delay of four days, which raises a serious doubt regarding its credibility and spontaneity. It is further argued that the entire case of the complainant is that the applicant was demanding the repayment of a loan, coupled with harassment which drove him to commit suicide. It is the case of the applicant that the present applicant was not present at the time when the deceased had committed suicide.

4.1. It has also been argued that there is no direct or indirect role attributed to the present applicant in the FIR, and the allegations are false and frivolous. It is contended that the ingredients of the alleged sections stated in the FIR are not made out, as the allegations merely pertain to a demand for repayment of loan which cannot constitute abetment to suicide. Further, it is argued that there is no *prima facie* case to believe that the accused has committed the offence, and that the applicant is willing to cooperate with the investigation. It is also submitted that the deceased was facing multiple financial liabilities and there is no proximity attributed specifically to the applicant.

5. Learned APP for the State has vehemently opposed this application, submitting that the applicants

played a vital role in instigating the deceased to commit suicide. It is submitted that if the suicide note is taken into consideration, it specifically names the present applicant. The deceased had stated in the suicide note, which was written on the very day the unfortunate incident took place whereby the deceased had stated in the suicide note that, the applicant was trying to mentally harass the deceased by stating that they will recover the amount by selling his kidney and the said suicide note also states that if the deceased does not repay the loan amount they would force the wife of the deceased into prostitution and send her to other men. Further, the said suicide note also states that the deceased had somehow managed to pay the interest amount, and the said fact is also reflected in the online transaction on which the applicant relies, thereby showing that the deceased had paid the amount through online mode.

5.1. The said suicide note gives specific details of the amount which the deceased had to pay to the applicant, and the applicant and other accused are responsible for him taking the extreme steps of committing suicide. The police had also taken the statement of the deceased on 30.04.2026, wherein he named the present applicant as the person harassing him and being responsible for the said offence.

6. This Court has carefully considered the submissions

advanced by the learned advocates appearing for the respective parties and has examined the material forming part of the investigation papers. The record reveals that the prosecution case is founded, *inter alia*, upon a suicide note allegedly left by the deceased, wherein specific allegations have been levelled against the present applicant. The allegations are not vague or omnibus in nature; rather, the deceased has attributed persistent mental and physical harassment coupled with threats to the applicant and has stated that such conduct compelled the deceased to take the extreme step.

7. If some of the facts stated in the suicide note are taken into consideration, the suicide note specifically states that;

- the present applicants were harassing the deceased.
- The applicant and the other accused had stated that if the amount is not paid they would go to the extent of selling kidney of the deceased.
- The applicant and other accused had threatened that if the deceased does not pay the amount, then the applicant and other accused would get the deceased wife into the prostitution and shall send the wife to different men for the same.

- The deceased has clearly stated that because of the constant harassment, both physically and mentally by the applicant and others, he had no option but to commit suicide and in the said suicide note, it has been stated that the applicants and others are responsible for him to take this extreme step.

7.1. At this stage, the Court cannot undertake a meticulous appreciation of the truthfulness of the allegation. The accusation, if taken at its face value, discloses a *prima facie* case warranting a thorough custodial investigation. Grant of anticipatory bail in such circumstances may impede the investigation and is therefore not warranted.

8. Having heard the submissions made by the learned counsel for the respective parties and upon a close scrutiny of the record, this Court is of the view that the accusations leveled against the present applicant can by no means be termed as vague or omnibus. The suicide note purportedly left by the deceased explicitly implicates the applicant, attributing to him a sustained campaign of harassment, intimidation, and coercive tactics aimed at recovering the alleged loan amount. At this preliminary stage, this note represents a vital piece of *prima facie* evidence that

cannot be disregarded or lightly brushed aside while determining whether to exercise the extraordinary discretionary jurisdiction for anticipatory bail **under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.**

8.1 Furthermore, a review of the record demonstrates that the case of the prosecution extends far beyond mere suspicion. A deeper probe is imperative to unravel the precise circumstances under which the deceased was subjected to continuous duress and intimidation, the underlying nature of the financial transactions between the parties, the electronic trail of communications exchanged, and the exact timeline of events directly leading up to the tragic demise. Given these factors, the necessity for custodial interrogation of the applicant cannot be ruled out, especially since the investigation is currently at a critical juncture and the accusations indicate a sustained course of conduct that ultimately drove the deceased to commit suicide.

8.2 It is well-settled that, at this preliminary stage, the Court is not required to engage in a detailed evaluation of evidence or enter a definitive finding on the ultimate guilt of the applicant. The limited scope of inquiry is to ascertain whether the material gathered by the investigating agency reveals a *prima facie* case that necessitates a comprehensive, fair, and unimpeded probe. Given the specific accusations

detailed in the suicide note, supplemented by the material collected during the investigation, the case cannot be brushed aside as inherently improbable or lacking in substance. Consequently, no ground is made out to justify the extraordinary relief of anticipatory bail.

8.3. It is a well-settled principle that the power to grant anticipatory bail is extraordinary in nature, primarily designed to shield innocent individuals from groundless or vexatious arrests. However, when the accusation is anchored by a contemporaneous suicide note that explicitly implicates the applicant and details a pattern of unrelenting harassment that ultimately drove the deceased to take his own life, this Court finds no justification to invoke its discretionary relief. Extending the protective umbrella of pre-arrest bail at this critical juncture would not only jeopardize the ongoing investigation but would also severely impede the law enforcement agency from unearthing vital evidence.

8.4. Considering the factual matrix of the present case, the allegations contained in the suicide note explicitly demonstrate that the deceased was subjected to severe distress and trauma upon being threatened that his kidney would be sold or his wife forced into prostitution if the outstanding amount was not repaid. Such a horrific threat cannot be viewed as a routine recovery dispute; rather, it

indicates a sustained course of conduct on the part of the applicant that effectively drove the deceased into absolute despair, leaving him with no viable option other than to end his life. This direct role ascribed to the applicant is further corroborated by the affidavit of the Investigating Officer and the statement recorded before the police authorities.

8.5. Further, the investigation shows that the accused, Aryan Garange, had called 33 times from his mobile number to the deceased, including 15 calls within the last four months. Another factor which is required to be considered is that there are serious allegations of giving threats to the deceased that he would force his wife into prostitution, and *prima facie* established by the fact that accused, Aryan Garange, had called the wife of the deceased thrice on 15.02.2026, and also on 10.03.2026 and 24.04.2026. therefore, in all five times and there was no occasion for the accused to call the wife of the deceased. The accused, Shirish Garange, had also called the deceased 31 times, and *prima facie*, the accused Shirish and Aryan together had called 5 times to the wife of the deceased. Therefore, *prime facie*, it shows that the facts stated in the suicide note about giving threats to the deceased about forcing his wife into prostitution stand established.

8.6. The nature of the threat attributed to the applicant is of an exceptionally grave character. The accusation goes far beyond persistent demands for the repayment of a loan; rather, it is alleged that the applicant threatened the deceased that, upon failure to repay, his wife would be forced into prostitution. *Prima facie*, a threat of this nature strikes at the very core of an individual's dignity, honor, and emotional security. For any ordinary person, the prospect of being rendered unable to protect the dignity and bodily autonomy of one's spouse is capable of generating overwhelming fear, shame, helplessness, and absolute despair. Such intimidation has the potential to obliterate a person's sense of self-worth, cause acute humiliation before family and society, and leave the individual believing that no honorable means remain to protect his loved ones. When linked to a financial liability from which the deceased perceived no escape, these actions may reasonably be viewed, at this stage of the investigation, as capable of causing profound psychological distress. The cumulative impact of such sustained fear, humiliation, and a perceived inability to safeguard the honor of one's wife is fully capable of driving a vulnerable individual into a state of utter hopelessness. Whether these alleged threats ultimately establish the requisite legal nexus with the commission of suicide is a matter to be determined by evidence during the trial;

however, at the stage of considering anticipatory bail, these allegations are sufficiently grave to necessitate an unhindered, thorough, and fair investigation, and they weigh heavily against the grant of the extraordinary relief of pre-arrest bail.

8.7. The material placed on record, at this stage, *prima facie* indicates a proximate nexus between the conduct imputed to the applicant and the extreme step taken by the deceased. The suicide note does not simply recount a past financial transaction; rather, it explicitly links the deceased's decision to end his life to the continuous threats and intimidation allegedly leveled by the applicant. The accusation that the applicant threatened to force the deceased's wife into prostitution upon non-payment of the loan is stated to have been one of the immediate and compelling factors weighing heavily upon the mind of the deceased. Such an allegation, if ultimately substantiated, cannot be treated as a remote or disconnected event, but rather as a circumstance having a direct, immediate bearing on the deceased's mental state preceding the suicide.

8.8. An individual's paramount strength does not derive from material wealth, but rather from the honor and dignity of the family he endeavors to safeguard. Where such dignity is alleged to be imperiled, the emotional and psychological

distress caused thereby may result in harm of a nature and depth exceeding that of any physical injury.

8.9. Consequently, at this initial stage, the materials on record, most notably the FIR and the suicide note reveal a highly serious and grave *prima facie* case that warrants custodial investigation. The applicant has entirely failed to make out any special circumstances to invoke the extraordinary pre-arrest protection of this Court. Therefore, without delving into or expressing any definitive opinion on the ultimate merits of the case, this Court finds no justification to exercise its discretionary jurisdiction in favor of the applicant. Accordingly, the present application for anticipatory bail lacks merit and stands dismissed.

9. The Hon'ble Apex Court in the case of **Jai Prakash Singh vs. State of Bihar & Anr. reported in (2012) 4 SCC 379** has been pleased to hold as under:-

“Parameters for grant of anticipatory bail in a serious offences are required to be satisfied and further while granting such relief, the court must record the reasons therefore. Anticipatory bail can be granted only in exceptional circumstances where the Court is prima facie of the view that the applicant has falsely been enroled in the crime and would not

misuse his liberty.”

10. It is appropriate to refer to the judgment of the Hon’ble Apex Court rendered in the case of ***Pratibha Manchanda vs. State of Haryana reported in AIR 2023 SC 3307***, wherein the Hon’ble Apex Court has observed thus:-

“19. The relief of Anticipatory Bail is aimed at safeguarding individual rights. While it serves as a crucial tool to prevent the misuse of the power of arrest and protects innocent individuals from harassment, it also presents challenges in maintaining a delicate balance between individual rights and the interests of justice. The tight rope we must walk lies in striking a balance between safeguarding individual rights and protecting public interest. While the right to liberty and presumption of innocence are vital, the court must also consider the gravity of the offence, the impact on society, and the need for a fair and free investigation. The court's discretion in weighing these interests in the facts and circumstances of each individual case becomes crucial to ensure a just outcome.”

11. In the case of ***Sumitha Pradeep vs. Arun Kumar***

C.K. reported in 2022 SCC OnLine (SC) 1529, wherein it is observed and held as follows:

“In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail.”

12. Further keeping in mind the law laid down by the ***Hon’ble Supreme Court in the case of Siddharam Satlingappa Mhetre V/s State of Maharashtra and Others reported in (2011) 1 SCC 694***, this is not a fit case to exercise the jurisdiction in favour of the applicant.

13. In view of the above decision and in view of the facts and circumstances of this case, custodial interrogation of not only the applicant, but all other suspect/s is therefore imperative to unearth the truth. Hence, this is a not a fit case to exercise the jurisdiction in favour of the applicant.

14. For the foregoing reasons and considering the law laid down in the above cited decisions of this Court as well as the Hon'ble Apex Court, this Court is of view that it is not a fit case to exercise the discretion under Section 482 of the BNSS in favour of the present applicant. Accordingly, present application does not deserve any consideration and is hereby **dismissed**. Rule is discharged.

15. It is made clear that the observations made in the present order are tentative in nature and the learned trial Court shall decide the case of the applicant on its own merits without being influenced by the observations made in the present order.

ADITYA SINGH

(SANJEEV J.THAKER,J)