

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET)
NO. 15219 of 2026

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NILESHBHAI RANCHHODDBHAI PARMAR
Versus
STATE OF GUJARAT

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Appearance:
MS. ANMOL D GANWANI(17435) for the Applicant(s) No. 1
MR ADITYA JADEJA, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 09/07/2026
ORDER

1. Rule. Learned APP waives service of notice of rule for the respondent-State.

2. The present application is filed under Section 483 of the Bharatiya Nyaya Suraksha Sanhita, 2023 (for short "BNSS") for regular bail in connection with FIR C.R. No.11204067260069 of 2026 registered with Sevaliya Police Station, Kheda for the offence punishable under Sections 103(1), 238 and 54 of the Bharatiya Nyaya Sanhita, 2023 (for short "BNS").

3. The learned Advocate for the present applicant submitted that the applicant has no connection whatsoever with the alleged offence and has been falsely implicated. It was further submitted that the conclusion of the trial is likely to take considerable time and that the applicant has no criminal antecedents. On these grounds, it was prayed that the present application be allowed.

4. Per contra, the learned APP vehemently opposed the application, contending that the applicant is the principal accused and had developed an illicit relationship with the deceased. It was submitted that, apprehending that the deceased

would become an impediment to his married life, the applicant caused her death. The applicant and the deceased allegedly used to meet at secluded places during the wee hours, and after committing the offence, the applicant, with the assistance of the co-accused, shifted the dead body to the highway in an attempt to portray the incident as a road accident. It was further submitted that, if released on bail, the applicant is likely to influence the witnesses and that the mere filing of the charge-sheet is not a ground for grant of bail. The co-accused, whose role was confined to assisting in shifting the dead body, have been enlarged on bail; therefore, the applicant cannot claim parity with them. Accordingly, it was prayed that the application be dismissed.

5. Heard the learned advocates appearing for the respective parties and perused the investigation papers.

6. While deciding bail application, the Court has to consider the involvement of the accused in the alleged offence, the jurisdiction to grant bail has to be exercised on the basis of the well settled principles having regard to the facts and circumstances of each case and the following factors are to be taken into consideration while considering an application for bail: (i) the nature of accusation and the severity of the punishment and the nature of the materials relied upon by the prosecution; (ii) reasonable apprehension of tampering with the witnesses and threat to the complainant or the witnesses; (iii) reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence; (iv)

character behaviour and standing of the accused and the circumstances which are peculiar to the accused; (v) larger interest of the public or the State and similar other considerations are required to be considered.

7. Having heard the learned advocates for the respective parties and having perused the documents on record, it appears that the complaint has been filed by the complainant, who is the sister of the deceased. Although the deceased was married, her husband was unemployed and habituated to alcohol. Owing to his unemployment and inability to provide for her needs, the deceased came into contact with the present applicant, who was a friend of her husband. Although the present applicant was married, he fell in love with the deceased, and she allegedly asked him to divorce his wife and marry her. With a view to eliminating the deceased, apprehending that she might create an obstacle in his future married life, the deceased was allegedly murdered. Thereafter, with the assistance of accused Nos. 2 and 3, the dead body of the deceased was shifted near the Swaminarayan Temple and placed by the roadside so as to give the incident the appearance of an accident. The complaint came to be registered as, on a bare eye, the injuries sustained by the deceased did not appear to be consistent with a road accident. Accordingly, an autopsy was conducted, during which a total of nine injuries were noted. The cause of death was opined to be hemorrhagic shock resulting from a head injury.

8. Perusing the record, it appears that during the course of investigation, it was found that the present applicant had shifted

the dead body to the roadside and thereafter, on the pretext of wanting to have tea at night, called a witness, namely Unmesh, and intentionally stopped the car on the highway, pointing out that something was lying on the side of the road, thereby attempting to create the impression that he had no knowledge of the incident.

9. The conduct attributed to the present applicant appears to have been calculated move. The deceased and the present applicant were last seen together at a secluded place. After sustaining the injuries, the deceased was taken to a private hospital and thereafter shifted to a government hospital, where she succumbed to her injuries. Instead of informing the relatives or family members of the deceased about the injuries, the dead body was allegedly shifted near the roadside to create the impression that the deceased had died in an accident. In this regard, offences punishable under Sections 103 and, subsequently, 238 of the BNS came to be added.

10. This Court is of the considered view that, having regard to the role and propensity of the present applicant, if released on bail, there is a reasonable possibility that he may tamper with the evidence. The right to liberty is not absolute. Considering the gravity of the offence, the allegations levelled against the present applicant, and the manner in which he is alleged to have attempted to destroy and conceal the evidence, he does not deserve to be released on bail.

11. The contention raised on behalf of the applicant regarding parity with the co-accused also deserves to be rejected. Although the co-accused persons have been enlarged on bail, the role attributed to them is materially different from that of the present applicant. The roles of the co-accused were limited merely to facilitating the use of the vehicle and assisting in shifting the dead body, with no other overt act or motive of murder attributed to them. Conversely, the present applicant is the principal accused who held the motive and directly caused the death of the deceased. Thus, his role is distinct, far more serious, and cannot be equated with that of the co-accused. Consequently, the principle of parity is not attracted. In this regard, reference is required to be made to the decisions of the Hon'ble Supreme Court in the cases of **Tarun Kumar vs. Enforcement Directorate**, reported in **2023 SCC OnLine (SC) 1486**, and **Sagar vs. State of U.P. & Anr.**, reported in **2025 INSC 1370**.

12. The submission that the investigation is over and the charge-sheet has been filed does not persuade this Court to exercise discretion in his favour. The gravity of the offence, the calculated manner in which the crime was executed, the staging of a road accident to mislead the state machinery, and the overwhelming *prima facie* evidence available on record outweigh such considerations.

13. It is needless to say that at the time of deciding a bail application, a detailed appreciation of evidence is not

permissible. However, once the applicant is facing a serious charge under Section 103(1) of the BNS, considering the gravity and seriousness of the offence, the possibility of tampering with the prosecution witnesses and evidence cannot be ruled out if the applicant is released on regular bail. Hence, the mere completion of the investigation or filing of the charge-sheet is not a ground at this stage to consider the applicant for regular bail. In this regard, reference is required to be made to the decision of the Hon'ble Supreme Court in the case of **X vs. State of Rajasthan**, reported in 2024 INSC 909, wherein it was observed that while the accused is facing serious charges under dominant penal provisions, the Court should restrain from granting bail considering the possibility of tampering with the evidence.

14. This Court has also kept in mind the law laid down by the Hon'ble Supreme Court in the case of **Virupakshappa Gouda vs. State of Karnataka reported in (2017) 5 SCC 406**, wherein it is held as under :

"13. Needless to say, filing of the charge-sheet does not in any manner lessen the allegations made by the prosecution. On the contrary, filing of the charge-sheet establishes that after due investigation the investigating agency, having found materials, has placed the charge-sheet for trial of the accused persons."

Hence, the argument on behalf of the applicant that charge-sheet is filed and therefore, applicant be enlarged on bail is concerned, said argument is not accepted since filing of charge-sheet does not lessen the allegations made by the prosecution. Considering the said aspect, without

discussing further about evidence and the merits of the case, the present application does not deserve any consideration.

15. Herein, the applicant is facing charges for the offence of murder and concealment of evidence punishable under Sections 103(1), 238, and 54 of the BNS. It is needless to say that considering the facts and circumstances of the case, the gravity of the offence, the severity of the punishment, as well as the law laid down in the cases of **Ram Govind Upadhyay vs. Sudarshan**, reported in 2002 (3) SCC 598, and **Mahipal Vs. Rajesh Kumar**, reported in 2020 (2) SCC 118, the Court may not exercise its discretion in favour of the accused. It is also apposite to refer to the decisions of the Hon'ble Supreme Court in the cases of **Ajwar vs. Waseem and Another**, reported in 2024 SCC OnLine (SC) 974, and **Aqeel Ahmed vs. State of Uttar Pradesh and Another**, reported in 2024 SCC OnLine (SC) 499, wherein the Hon'ble Supreme Court observed thus:

“26. While considering as to whether bail ought to be granted in a matter involving a serious criminal offence, the Court must consider relevant factors like the nature of the accusations made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the role attributed to the accused, the criminal antecedents of the accused, the probability of tampering of the witnesses and repeating the offence, if the accused are released on bail, the likelihood of the accused being unavailable in the event bail is granted, the possibility of obstructing the proceedings and evading the courts of justice and the overall desirability of releasing the accused on bail.”

16. Further, in the case of **CBI vs. V. Vijay Sai Reddy**

reported in **(2013)7 SCC 452**, the Hon'ble Supreme Court observed in paragraph 34 as under:

"34. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. It has also to be kept in mind that for the purpose of granting bail, the Legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the Court dealing with the grant of bail can only satisfy it as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt."

17. At this stage, it would be apposite to refer to the decision of the Hon'ble Supreme Court in the case of **Ash Mohammad vs. Shiv Raj Singh alias Lalla Babu and Another** reported in **(2012) 9 SCC 446** is also required to be referred to wherein it has been held that the concept of liberty is not in the realm of absolutism but is a restricted one and no element in the society can act in a manner by consequence of which the life or liberty of others is jeopardized.

18. Having regard to the nature and gravity of the offence, the specific principal role attributed to the present applicant, the medical evidence showcasing nine distinct injuries, the calculated post-offence conduct of fabricating an accident, and the statements of the witnesses, this Court is of the considered

opinion that no case is made out for exercising discretion in favour of the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Accordingly, the present application fails and is hereby dismissed. Rule is discharged.

19. However, the learned trial Court is directed to expedite the trial on a day-to-day basis keeping in mind the decision of the Hon'ble Supreme Court in the case of **Central Bureau of Investigation vs. Mir Usman @ Ara @ Mir Usman Ali**, rendered in *Special Leave to Appeal (Cri.) No.969/2025 dated 22.09.2025*, as the applicant is an under-trial prisoner.

20. 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 independently on its own merits without being influenced by the observations made in the present order.

21. It is clarified that if the applicant is unable to engage an advocate, the learned trial Court shall take necessary steps to provide legal aid to the applicant through the concerned Legal Services Authority in accordance with law. The applicant is directed to cooperate with the Trial Court for the expeditious disposal of the case.

(HASMUKH D. SUTHAR,J)

ALI I