

GJBN010022802026



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 Decided on : 08.06.2026
 Duration : DD MM YY
06-00-00

**IN THE COURT OF 5TH ADDITIONAL SESSIONS JUDGE,
 BHAVNAGAR.**

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Criminal Misc. Application No.975 of 2026.

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EXH.NO -

Applicant. Mehulbhai Prakashbhai Baraiya,
 Age : 25 years, Occu : Electrician,
 Residing at : Village : Moti Babariyat, Ta.Talaja,
 Dist.Bhavnagar.

(at present in judicial custodial at District Jail,
 Bhavnagar)

Vs.

Opponents. 1. The state of Gujarat.

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**Application for Regular bail under Section 483 of B.N.S.S -
 2023.**

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APPEARANCE:

Ld. Advocate for the applicant : Mr.Y.N.Pathak,
 Learned A.P.P. for the State : Mr.D.A.Mehta.

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JUDGMENT

[1.0] This application is filed by the applicant under Section 483 of
 B.N.S.S. for regular bail in connection with F.I.R. registered as

Part-A, C.R. No.11198069260003/2026 with Cyber Crime Police Station, Bhavnagar Range Police Station, for the offence punishable under Sections 75(3), 356(2) of B.N.S. and section 66(c), 66(e), 67 of I.T.Act.

[2.0] It is stated by the applicant that, the applicant has been arrested by the police in connection of the afore-stated offence on 29.05.2026 and he was produced before the Hon'ble Court on **29.05.2026** and Hon'ble Court has sent him to the judicial custody and since then, he is in judicial custody, hence, the present application has been filed under Section 483 of B.N.S.S.

[3.0] On service of notice to the opponent, Ld. A.P.P. appeared on behalf of State and investigating officer has filed affidavit in support of the complaint and also submitted police papers.

[4.0] Ld. Advocate for the applicant has submitted that the present applicant has been falsely implicated in the alleged offence and the entire allegations in the F.I.R. are false and frivolous and the applicant is innocent and only aged about 25 years and he is doing electrician work. It is further submitted that the complaint is filed late by 8 days and no any explanation has been mentioned in the FIR. It is further submitted that there is no name of the applicant in the FIR. It is further submitted that the alleged offence is based on documentary evidence. Further, it is submitted that the allegations of the FIR are not corroborated from the papers and therefore, there is no prima facie case against the

applicant as alleged in the FIR. It is further submitted that the conclusion of trial of the alleged offence is likely to take long time and the denial of bail to the applicant would amount to pre-trial punishment, which is alien to criminal jurisprudence. It is further submitted that the applicant does not have any criminal past/antecedents and if the applicant may be kept behind the bar for long period, he likely to come into contact with the other accused persons and likely to become habitual offender. It is submitted that the present applicant is a permanent residence at the address given in the cause title and has a family to support and is not likely to jump bail or evade trial. It is submitted that the applicant undertakes to abide by all or any condition that may be imposed by the Court in bail order and considering all the above factor it has been prayed that the present applicant may be enlarged on bail.

[5.0] *Per-contra*, the Ld. APP for the State has filed the Affidavit of Investigating Officer and strongly objected the present application and stated at length facts of the alleged offence and role attributed to the present applicant in the alleged offence and there is allegation against the applicant that he has created two fake Instagram account and upload victim's abusive/nude photo on Instagram Profile/Post/Story on this fake Instagram account and sent defamatory and inappropriate message to the victim's relatives and friends regarding the victim's character, thereby, committed the alleged offence as mentioned in FIR. It is further submitted that the investigation is going on. Therefore, considering the

seriousness and gravity of offence, the present application is required to be rejected.

[6.0] I have heard the Ld. advocates appearing on behalf of the respective parties and perused the papers.

[7.0] On perusal of the FIR, police papers, affidavit filed by the Investigating Officer and submission of the advocates for the either parties and considering the facts and circumstances of the case and the nature of allegation made against the applicant as well as the role attributed to the present applicant, it appears that allegation against the present applicant is that he has created two fake Instagram account and upload victim's abusive/nude photo on Instagram Profile/Post/Story on this fake Instagram account and sent defamatory and inappropriate message to the victim's relatives and friends regarding the victim's character, thereby, committed the alleged offence as mentioned in FIR and thus, he has committed the offences punishable under Sections 75(3), 356(2) of B.N.S. and section 66(c), 66(e), 67 of I.T.Act. Further, it appears that the applicant is aged about 25 years and he is doing electrician work and he is having family responsibility. Further, the quantum of punishment i.e. 3 years and most of the investigation is over against the applicant and therefore, further custodial interrogation of the applicant is not required in this matter.

[7.1] Further, the applicant has undergone considerable period of time in jail and it is a fact that the trial shall take long time to

conclude and therefore, further keeping him behind bars will expose him to company of hardened criminals. Thus, this Court is of the opinion that no purpose will be served by keeping the applicant behind the bars for entire period of trial. Furthermore, considering the role of the applicant, quantum of punishment and prospects of delay in disposal of the case and the fact that applicant is permanent resident of address given in the cause title of the application and therefore, his presence can easily be available at the time of trial. Hence, in view of overall facts and circumstances of the case, without commenting on the merits of the case, and considering the settled position of law that bail is rule and jail is exception as well as judicial precedents with regards to grant of bail in cases of AIR 1984 (SC) 372 "Bhagirathsingh Jadeja Vs. State of Gujarat" ; (2012) 1 SCC 40 "Sanjay Chandra Vs. CBI" and Special Leave to Appeal (Cri.) 5191 of 2021 "Satender Kumar Antil Vs. CBI & Ors." CRMA No.23962/2018 "Harsul S/o Gambhirdan Banarsingh Gadhavi V/s. State of Gujarat", Criminal Appeal No.768/2020 "Ashok Shankatsingh Udaji Darogah (Rajput) V/s. State of Gujarat", CRMA No.15057/2020 "Jagdish @ Jago Premjibhai Baraiya V/s. State of Gujarat" and CRMA No.13965/2024 "Sanjaybhai @ Ajaybhai Chanabhai Dalsaniya V/s. State of Gujarat" prima facie, this court is of the opinion that this is a fit case to exercise the discretion in favour of the present applicant.

[7.2] On the perusal of affidavit filed by the Investigating Officer, it is apprehended by the Police that applicant is likely to

indulge in similar offence. However, the objection and apprehension raised by the prosecution against the grant of bail can be addressed and taken care of by imposing certain conditions. Hence, considering the quantum of the punishment in the alleged offences as well as in order to assure the presence of the applicant for trial and to avoid any hindrance to the prosecution, it would be appropriate to impose certain conditions. Therefore, this Court is of the view that it is a fit case to exercise discretion to grant bail to the present applicant subject to certain conditions. Therefore, the following order is passed.

::O R D E R::

1. The present bail application is hereby allowed.
2. The applicant – **Mehulbhai Prakashbhai Baraiya**, is hereby ordered to release on bail in connection with the offence registered before **Cyber Crime Police Station, Bhavnagar Range Police Station**, vide **Part-A, C.R. No.11198069260003/2026** for the offence punishable under **Sections 75(3), 356(2) of B.N.S. and section 66(c), 66(e), 67 of I.T.Act.**, upon executing a personal bond of **Rs.25,000/- (Twenty Five Thousand Only)** with one surety of the like amount subject to the following conditions.

(a) The applicant shall not obstruct or hamper the police investigation in any manner and shall cooperate the investigation Officer;

(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 commit any offence while on bail;

(d) shall not leave the territory of India without permission of

the trial Court and Shall surrender his passport, if any, before the trial court or shall file an affidavit that he does not hold a passport, within seven day of furnishing bail before the court concerned;

(e) shall remain present before the trial Court regularly;

(f) shall produce copy of his aadhar card if any before the trial court, as well as before the Investigating Officer or shall file an affidavit that he does not have aadhar card within 7 days of furnishing bail before the court concerned; and also file an affidavit stating his immovable properties whether self acquired or ancestral with appropriate description before the trial court, if any,

(g) Shall mark his personal presence before the concerned Police Station once during first week of the month between 10.00 a.m. to 5.00 p.m. till filing of chargesheet;

(h) Shall at the time of execution of bail-bond, furnish the address of residence with authentic proof & mobile number of the applicant as well as his surety to the investigating officer and to the Court concerned and in case of change of any address, he shall inform his new address to the concerned police station & the Court immediately;

Bail bond be executed before the concerned trial Court.

Yadi of this order be sent to the concerned Court and Police Station.

Pronounced today in open Court on this 8th of June, 2026.

Date : 08.06.2026

Place : Bhavnagar

(JIGNESH GIRISHBHAI DAMODRA)

5th Additional Sessions Judge,

Bhavnagar.

Unique ID Code No.GJ00996