

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 1411 of 2026

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KIRANBHAI KATHTHADBHAI BARAL
Versus
STATE OF GUJARAT

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Appearance:
MALAY S PATEL(8901) for the Applicant(s) No. 1
MR JK SHAH, ADDL. PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 01/04/2026

ORAL ORDER

1. Heard learned advocate Mr.Malay Patel appearing on behalf of the applicant and learned Additional Public Prosecutor Mr.J.K.Shah appearing on behalf of the respondent-State.

2. **Rule.** Learned APP waives service of rule on behalf of the respondent-State.

3. The applicant has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicant on Regular Bail in connection with FIR being C.R. No. 11198053250640/2025 registered with Talaja Police Station, Bhavnagar for the offence punishable under Sections 64(2)(f), 64(2)(m), 115(2) of the BNS and Section 135

of the G.P. Act.

4. Learned advocate for the applicant would submit that considering the role attributed to the applicant, and nature of the allegation levelled, the applicant may be enlarged on regular bail. It is further submitted that since the charge-sheet is filed no useful purpose would be served by keeping the applicant in jail for indefinite period. It is further contended that the applicant is ready and willing to abide by all the conditions that may be imposed by this Court if released on bail.

5. As against the same, learned Additional Public Prosecutor appearing for the respondent - State has vehemently objected to the grant of regular bail. Learned APP has submitted that looking to the nature of offence and the role attributed to the present applicant as coming out from the charge-sheet, this Court may not exercise the discretion in favour of the applicant and the application may be dismissed.

6. I have heard learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

- i. It would appear that vide an order dated 30.01.2026, this Court had recorded the submissions of learned advocate Mr.Ashish Dagli appearing for learned advocate Mr.Malay Patel that the applicant had been wrongly implicated, more particularly, the submission of learned advocate being that the complainant was the real sister of the present applicant and whereas, serious allegations of rape etc. had been levelled since the present applicant was objecting to a relationship which the complainant had with the third party.
- ii. It was, under such circumstance, that this Court had accepted the request of learned advocate Mr.Dagli that the DFS may conduct a Narco Analysis of the present applicant at the cost of the applicant himself.
- iii. This Court had also further facilitated the Narco Analysis by directing release of the present applicant on temporary bail vide order dated 24.02.2026 more particularly restricting the movement of the present applicant in Gandhinagar District only.
- iv. Today, learned APP Mr.Shah tenders a copy of report of the DFS and whereas, perusing the same, it would appear

that the Narco Analysis test of the applicant has revealed that he was not involved in the alleged crime of committing rape upon the complainant and of burning the complainant using cigarette butts.

v. It also appears that on the date of the allegation, the present applicant, as per the Narco Analysis report, was travelling from Jaipur to Ahmedabad and the present applicant was also travelling on another day when the alleged incident had happened i.e. on 22.08.2025.

vi. It also appears from the Narco Analysis report that the complainant was in a relationship with one Lalji and whereas, since the present applicant was a hindrance to the said relationship, the allegations may have been levelled.

vii. Considering the Narco Analysis report, more particularly, since it prima facie excludes the present applicant from having committed the alleged offence in question, to this Court, it would appear that the application deserves interference.

viii. It is clarified that the above observations are tentative in nature and would not influence the learned Trial Court at

the stage of trial.

ix. A copy of the Narco Analysis report tendered by learned APP is taken on record.

This Court has taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. Central Bureau of Investigation reported in [2012] 1 SCC 40.**

7. In the facts and circumstances of the case and considering the nature of the allegations made against the applicant in the First Information Report, without discussing the evidence in detail, prima facie, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicant on regular bail.

8. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with F.I.R. registered as C.R. No. 11198053250640/2025 registered with Talaja Police Station, Bhavnagar, on executing a bond of Rs.10,000/- (Rupees Ten Thousand only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that he shall;

[a] not take undue advantage of liberty or misuse liberty;

[b] not act in a manner injurious to the interest of the prosecution;

[c] surrender passport, if any, to the lower court within a week;

[d] not leave the State of Gujarat without prior permission of the Sessions Court concerned;

[e] furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior intimation to the I.O.;

[f] mark presence once a month for a period of three months before the concerned police station.

9. The Authorities will release the applicant only if he is not required in connection with any other offence for the time being. If breach of any of the above conditions is committed, the Sessions Court concerned will be free to take appropriate action in the matter.

10. Bail bond to be executed before the lower court having jurisdiction to try the case. It will be open for the concerned Court to delete, modify and/or relax any of the above

conditions in accordance with law.

11. At the stage of trial, the trial court shall not be influenced by any observations of this Court which are of preliminary nature made at this stage, only for the purpose of considering the application of the applicant for being released on regular bail.

12. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

Bhoomi

(NIKHIL S. KARIEL,J)