

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 983 of 2026

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VIDESH GULASING @ GULABSING BARIA
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR CHIRAG AYDI FOR MR MAULIK M SONI(7249) for the Applicant(s) No. 1
MITTAL N PATEL(7614) for the Respondent(s) No. 2
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. Chirag Aydi for learned advocate Mr. Maulik Soni appearing on behalf of the applicant, learned Additional Public Prosecutor Mr. J.K. Shah appearing on behalf of the respondent-State and learned advocate Ms. Mittal Patel appearing on behalf of respondent no.2.

2. Rule. Learned APP waives service of rule on behalf of the respondent-State and learned advocate Ms. Patel waives service of rule on behalf of respondent no.2.

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. 11193035250331 of 2025 registered with Liliya Police Station, Dist. Amreli, for the offence punishable under Sections 137(2), 87, 64(2)(H), (I),(M) and 65(1) of BNS and Section 4, 5(L)(Q), 6, 18 of the POCSO 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 and learned advocate for respondent no.2 have 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. While the age of the prosecutrix is stated to be around 14 years 3 months, the age of the present applicant being 22 years could not be ignored.
- ii. It would appear that victim was having affair with a minor on account of which relation, the victim had got pregnant and whereas since the minor, upon learning about the pregnancy of the victim, had not contacted the victim again, and the victim feeling helpless, the applicant is stated to have helped the victim.
- iii. Prima facie, it appears that the applicant may have just tried to help

the victim, more particularly even as per the statement of the victim, the the applicant had been contacted by the victim's sister to help her.

iv. It would appear that later on, a relationship appears to have developed and whereas as per the statement of the victim dated 13.11.2025, the applicant and the victim had eloped together with consent of the victim herself.

v. The fact that the applicant being in custody since 13.11.2025, charge-sheet having been laid and the applicant having not antecedents.

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. No11193035250331 of 2025 registered with Liliya Police Station, Dist. Amreli, 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 proposed address of residence in the State of Gujarat 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 before the concerned police station for a period of six months.

(g) not to contact the victim in any manner whatsoever till the deposition of the prosecutrix is recorded.

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.

Y.N. VYAS

(NIKHIL S. KARIEL,J)