

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**  
**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER**  
**CHARGESHEET) NO. 2165 of 2026**

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BIPIN @ VIPIN RATNESH TIWARI  
Versus  
STATE OF GUJARAT & ANR.

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Appearance:

MR. VATSAL D. RUPAREL(14194) for the Applicant(s) No. 1  
NOTICE SERVED BY DS for the Respondent(s) No. 2  
MR. SOAHAM JOSHI, APP for the Respondent(s) No. 1

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**CORAM: HONOURABLE MR.JUSTICE UTKARSH THAKORBHAI**  
**DESAI**

**Date : 17/04/2026**

**ORAL ORDER**

1. Heard learned advocate appearing on behalf of the applicant and learned Additional Public Prosecutor appearing on behalf of the respondent-State. That though the notice in the present application has been served upon the original complainant, he has chosen not to remain present.

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 him on Regular Bail in connection with FIR being C.R. No. 11196009230430 of 2023 registered with Jawaharnagar Police

Station, Vadodara for the offence punishable under Sections 363, 366, 376(2)(N) and 201 of IPC, and Sections 5(L) and 6 of POCSO Act.

4. Learned advocate for the applicant would submit that, the applicant came to be released on bail by the learned Sessions Court vide order passed in CRMA No. 1698 of 2024 on 02.07.2024, however because of his non-appearance during the trial of Special POCSO Case No. 9 of 2024 before the Special POCSO Court at Vadodara NBW came to be issued against him pursuant to which he was arrested. It is further submitted that, the applicant henceforth will regularly remain present before the concerned Special Court during the trial and is ready and willing to abide all the conditions that may be imposed by this Court, while releasing him on bail. Learned advocate for the applicant has also submitted that, the applicant shall not leave the State of Gujarat till the trial is over.

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, the applicant had committed breach of the bail condition by not

remaining present before the concerned Special Court which has resulted in the trial being protracted, hence this Court may not exercise 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. The applicant though **is a permanent resident of Uttar Pradesh**, he shall not leave the State of Gujarat, hence would be available at the time of trial;
- ii. The applicant was previously released on bail by the learned Sessions Court, however came to be arrested by virtue of non-bailable warrant issued against him;
- iii. Learned advocate for the applicant having submitted that, the applicant would file an undertaking before the concerned Special Court that he would regularly remain present during the trial.

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. 11196009230430 of 2023 registered with Jawaharnagar Police Station, Vadodara, on executing a bail bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that they 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 his passport, if any, to the trial court within a week, and if he does not possess a passport, he shall file an affidavit to that effect;

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

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

[f] mark his presence on every Sunday before the concerned police station till the trial is over;

[g] not indulge in similar kind of offence hereinafter, for which, he shall file affidavit before the concerned court and the police station.

[h] The applicant shall deposit the cost of Rs. 10,000/- before the District Legal Services Authority, Vadodara prior to his release from the jail.

[i] The applicant shall file an undertaking on oath before the concerned police station as well as the concerned Special

Court that, henceforth he shall regularly remain present before the Special court.

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 at liberty to take appropriate action in accordance with law.

10. Bail bond to be executed before the trial 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 competent 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 enlarging the applicant on regular bail.

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

ANIRUDH OJHA

**(UTKARSH THAKORBHAI DESAI, J)**

Original copy of this order has been signed by the Hon'ble Judge.  
Digitally signed by: ANIRUDH OJHA(HC02370), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 17/04/2026 17:45:21