

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 2536 of 2026**

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SANJAY BABULAL VYAS
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR. A. U. VHORA(18919) for the Applicant(s) No. 1
MR. DEEPAK R SHAMNANI(14600) for the Applicant(s) No. 1
MR MAHESHKUMAR K PUROHIT(10627) for the Respondent(s) No. 2
MR HARDIK MEHTA, ADDL. PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

**Date : 08/05/2026
ORAL ORDER**

1. Heard learned advocate Ms.N.M.Zaveri appearing on behalf of the applicant, learned Additional Public Prosecutor Mr.Hardik Mehta appearing on behalf of the respondent-State and learned advocate Mr.M.K.Purohit appearing on behalf of the original complainant.

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. 11191025250181/2025 registered with Kagdapith Police Station, Ahmedabad City for the offence punishable under Sections 351(2), 296(b) of the BNS and

Sections 11(1), 12 of the POCSO Act.

3.1. The applicant being arraigned as an accused in connection with the aforementioned offence and having been arrested by the Investigating Officer, had been enlarged on regular bail by a learned Coordinate Bench of this Court vide an order dated 06.08.2025 more particularly the learned Coordinate Bench having imposed a condition that the applicant shall not enter Ahmedabad City till the conclusion of trial except for marking presence and attending the trial and whereas, the applicant having breached the condition, the bail granted to the applicant having been cancelled, the applicant has approached this Court.

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 Mr.Purohit appearing for the complainant 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. It would prima facie appear in this regard that post order dated 06.08.2025, three different FIRs came to be filed against the present applicant and whereas, learned Trial Court having noticed the said part, more particularly, the part with regard to breach of condition of having entered into Ahmedabad, the learned Trial Court had cancelled the bail granted by this Court.

ii. As against the same, this Court has considered the fact that the present appears to be a dispute between the two groups of transgenders and whereas, it appears that

multiple FIRs have been filed by each group against the other.

iii. It also appears that while the present applicant had been released by the learned Coordinate Bench on 06.08.2025, the present applicant had once again been arrested by the Investigating Officer and is in custody since 29.11.2025.

iv. It would thus appear that after the applicant had been granted bail in the substantive offence, the same came to be cancelled and meanwhile, the applicant has been in custody for a period of approximately more than five months.

v. This Court has also considered the maximum punishment that could be imposed in the present offence.

vi. Having regard to such a circumstance, more particularly, since the present applicant has been in custody for a substantially long period of time even after the bail had been granted in the first occasion and whereas, considering that the allegation more particularly under the POCSO Act being of abusing and threatening over the telephone, this Court is inclined to consider this application albeit with appropriate safeguards.

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. 11191025250181/2025 registered with Kagdapith Police Station, Ahmedabad City, on executing a bond of Rs.1,00,000/- (Rupees One Lakh only) with two sureties 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] not to enter Ahmedabad City till the completion of trial except for the purpose of attending the trial;

[g] on the date when the applicant attend the trial, he shall mark his presence before the concerned police station;

[h] mark presence before the East Police Station, Palanpur once a week till the conclusion of the trial;

9. It is also clarified that the present bail order is only considering the fact that the applicant, after having been granted bail, is in custody for a period of five months and whereas, this Court has not made any observations with regard to the allegation that the present applicant had breached the condition as per order dated 06.08.2025.

9.1. 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)