

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL APPEAL (REGULAR BAIL - AFTER CHARGESHEET) NO.
260 of 2026

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GOPALBHAI BHUPATBHAI CHAUHAN
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR. BHARGAV K. CHAUHAN(19374) for the Appellant(s) No. 1
MR MIREN PRIYADARSHI(11023) for the Opponent(s)/Respondent(s) No. 2
MS RATNA VORA(2251) for the Opponent(s)/Respondent(s) No. 2
MR J K SHAH, APP for the Opponent(s)/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. Bhargav K. Chauhan appearing on behalf of the appellant, learned Additional Public Prosecutor Mr. J.K. Shah appearing on behalf of the respondent-State and learned Advocate Ms. Ratna Vora appearing on behalf of the respondent No.2 – original complainant.

2. **Rule.** Learned APP waives service of rule on behalf of the respondent-State and learned Advocate Ms. Vora waives service of rule on behalf of the respondent No.2.

3. The appellant has filed this appeal under Section 14(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 read with Section 483 of the Bharatiya Nagarik

Suraksha Sanhita, 2023 for enlarging the appellant on Regular Bail in connection with FIR being C.R. No. 11198015251982 of 2025 registered with Bortalav Police Station, Bhavnagar, District Bhavnagar, for the offence punishable under Section 108 of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(v-a) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Learned advocate for the appellant would submit that considering the role attributed to the appellant, and nature of the allegation levelled, the appellant 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 appellant in jail for indefinite period. It is further contended that the appellant 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 appellant as coming out from the charge-sheet, this Court may not exercise the discretion in favour of the appellant and the appeal 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. Allegation being that the accused had harassed the deceased which led to the deceased committing suicide.
- ii. It would appear that the appellant is the husband of the deceased and whereas it would also appear that the deceased belonged to the scheduled caste community and whereas the appellant and the deceased had love relationship and they had eloped and married somewhere in the month of October, 2024.
- iii. It would also appear that the appellant and the deceased were staying independently in a rented premises for around one year prior to the date of the incident.
- iv. While the FIR alleges that the appellant had harassed the deceased, more particularly basis her caste, as per the statements recorded of the neighbours, more particularly the house owner, where the appellant and deceased were residing for around last one year, except for normal disagreements, there was not much of dispute between the deceased and the present appellant.
- v. Prima facie it would not appear to this Court that the deceased may have been harassed on account of her caste, more particularly

considering that the appellant and the deceased were living together for last one year.

vi. While learned APP Ms. Shah and learned Advocate Ms. Vora would state about presumption being against the husband, more particularly since the marriage span was almost of one year only, yet considering the fact that the appellant and the deceased were living together separately for one year after their love marriage and since it does not prima facie appear that there was any harassment meted out to the deceased on account of her caste or even otherwise, this Court is inclined to consider this appeal.

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 appellant 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 appellant on regular bail.

8. Hence, the present appeal is allowed. The appellant is ordered to be released on bail in connection with FIR being C.R. No. 11198015251982

of 2025 registered with Bortalav Police Station, Bhavnagar, District 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 six months before the concerned police station.

9. The Authorities will release the appellant 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 appeal of the appellant for being released on regular bail.

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

BDSONGARA

(NIKHIL S. KARIEL,J)