

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 4064 of 2026**

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BADHIYABHAI DHANABHAI SANGADIYA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR MUNJAL V ACHARYA(10678) for the Applicant(s) No. 1

HCLS COMMITTEE(4998) for the Respondent(s) No. 2

MR. KULDEEP D VAIDYA(7045) for the Respondent(s) No. 2

MR ADITYA JADEJA ADDITIONAL PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 24/03/2026

ORAL ORDER

1. Heard learned Advocate Mr. Munjal Acharya on behalf of the applicant, learned Additional Public Prosecutor Mr. Aditya Jadeja for the respondent-State and learned Advocate Mr. Kuldeep Vaidya for respondent no.2.

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

3. The present applicant having been arraigned as an accused in connection with FIR being **C.R. No. 11199028220262 of 2022 registered with Zaghadiya Police Station, District: Bharuch** for the offence punishable under Sections 363, 366, 376, 504, 506(2) of the Indian Penal Code and Sections 4, 6, 12 and 17 of the Protection of Children from Sexual

Offences Act, 2012 and having been released on regular bail by the learned Trial Court vide order dated 09.03.2022, and the applicant having not remained present before the learned Trial Court for attending the trial, the learned Trial Court having issued a Non Bailable Warrant and applicant having been arrested, and having approached the learned Trial Court, and the learned Trial Court having rejected the application of the applicant for enlarged on regular bail, the present applicant has approached this Court seeking for being released on regular bail.

4. This Court has heard learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

[1] The fact of the applicant having been released in the substantive offence.

[2] While it is submitted that the applicant did not remain present before the learned Trial Court, on any occasion, this Court has also considered the fact that the present applicant has been arrested upon the warrant being issued on 15.12.2025 and he is in custody since that date.

[3] This Court has also considered the fact that the present applicant is the father of the main accused and whereas, the role attributed to the present applicant is only with regard to abetment of the offence.

[4] This Court has also considered the fact that the present applicant is an agriculture labourer normally residing in Madhya

Pradesh.

[5] Considering such a situation, this Court is inclined to release of the present applicant, albeit subject to appropriate conditions.

5. 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.

6. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with F.I.R. being **C.R. No. 11199028220262 of 2022 registered with Zaghadiya Police Station, District: Bharuch** 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] The applicant to deposit an amount of Rs.10,000/- before the learned Trial Court within a period of two weeks after his release and whereas the said amount shall stand as a surety for the applicant to cooperate with learned trial Court;

[b] attend the trial regularly.

[c] In case the applicant does not remain present in the trial without any reasonable cause for two consecutive dates, more particularly without any application for exemption, then it would be open for the learned trial Court to appropriate the amount deposited.

In case the present applicant attends the trial regularly, irrespective of the final outcome, the amount in question shall be returned back to the applicant.

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

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

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

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

[h] furnish the proposed residential address to the I.O. and also to the Court at the time of execution of the bond and shall not change the residential address without prior intimation to the I.O.

[i] Mark his presence at the concerned Police Station once every 15 days for a period of three months.

7. 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 Judge concerned will be free to take appropriate action in the matter.

8. 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.

9. 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.

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

(NIKHIL S. KARIEL,J)

NIRU

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: NIRU ROSHAN SHAH(HC00211), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 25/03/2026 15:17:42