

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION) NO. 677
of 2026**

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RAMESHBHAI MULJIBHAI RATHOD

Versus

STATE OF GUJARAT

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Appearance:

MR YOGESH G KANADE(3114) for the Applicant(s) No. 1

MR BHARGAV PANDYA APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI**Date : 12/03/2026****ORAL ORDER**

1. RULE. Learned Additional Public Prosecutor waives service of notice of Rule on behalf of respondent-State.

2. Learned Advocate Mr. Nirmalsingh Shekhawat submitted that the case ought to have been recorded under Section 354D instead of Section 354A of the Indian Penal Code (for short, 'I.P.C') where both the accused as well as the victim were unmarried and taking into consideration the facts of the case, it could be considered that the accused was pursuing the victim and it being the first instance, there would not be any case against the accused since the facts do not suggest any assault or criminal force used by the accused against the aggrieved

victim and, thus, stated that the order of sentence is required to be suspended and urged for granting bail to the applicant.

3. Learned APP Mr. Bhargav Pandya submitted that the case was proceeded against the accused under Section 354A of I.P.C and the revisionist accused came to be convicted under Section 354A of I.P.C for three months rigorous imprisonment and a fine of Rs.2,000/- and in failure to pay the fine amount, further to undergo one month simple imprisonment. The victim has stated about the case of sexual harassment by way of physical contact and advances, which was inappropriate and not welcomed by the victim girl. APP Mr. Pandya thus stated that the revisionist accused should be directed to fulfill the sentence.

4. In view of the above, the order of sentence dated 30.04.2024 passed by the learned 7th Additional Chief Judicial Magistrate, Gandhinagar in Criminal Case no.3385 of 2017 which was upheld and confirmed by order dated 12.01.2026 passed by the learned Principal Sessions Judge, Gandhinagar in Criminal Appeal no.165 of 2024 are suspended till disposal of the Revision and the applicant is ordered to be released on bail on executing a personal bond of Rs.10,000/-(Rupees ten thousand only) and a

surety of like amount to the satisfaction of the Trial Court concerned and subject to the conditions that the applicant shall:-

- [a] pursue the matter scrupulously as and when the same is listed;
- [b] not take undue advantage of liberty or misuse liberty;
- [c] not leave India without prior permission of the Court;

5. Direct service is permitted. Registry to communicate this order to the concerned Court/authority by Fax or Email forthwith.

PARMAR KRISH/38

(GITA GOPI,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PARMAR KRISH(HC02348), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 12/03/2026 17:45:41