

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 3654  
of 2026**

=====

PATEL RAHULKUMAR KIRTIBHAI  
Versus  
STATE OF GUJARAT

=====

**Appearance:**

MONTUBHAI G PATEL(9299) for the Applicant(s) No. 1  
MR AMIT N CHAUDHARY(5599) for the Applicant(s) No. 1  
MR VISHVAJITSINH D CHAUHAN(10160) for the Respondent(s) No. 1  
MR.KISHAN PRAJAPATI(7074) for the Respondent(s) No. 1  
PRANAV DHAGAT APP for the Respondent(s) No. 1

=====

**CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL****Date : 07/04/2026****ORAL ORDER**

1. Heard learned Advocate Mr. Zubin Bharda for the Applicant, learned Advocate Ms. Mahesh Pujara for Mr. Kishan Prajapati for the Respondent, and learned APP Mr. Pranav Dhagat for the Respondent-State.
2. *Rule.* Learned Additional Public Prosecutor waives service of notice of rule for respondent - State of Gujarat.
3. By way of this application **under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "BNSS")**, the applicant has prayed for anticipatory bail in the event of arrest in connection with the FIR being C.R. No. 11209041260050, registered with Prantij Police Station, District: Sabarkantha for the offences punishable under Sections 64(2)(m), 77 of BNS as well as 66e of IT Act, 2008.

4. Pursuant to the order passed by this Court on 24.03.2026, the statement of the Applicant has been recorded by the investigating agency on 28.03.2026, and the mobile phone has also been handed over to the investigating agency for the purpose of further investigation and for being sent to the FSL.

5. It is the case of the Complainant that the Complainant is residing at Juna Bakarpur, Taluka Prantij, District Sabarkantha. She appeared in person and declares that she resides with her family and performs housework and animal husbandry. Her marriage took place about 25 years ago in Juna Bakarpur village. She has two children. Her eldest son is aged about 24 years and is studying in the third year of Science at M.C. Desai College, Prantij; the younger one is aged about 19 years and is studying in the first year of PTC at A.K. Patel College, Prantij. Her husband is engaged in farming.

5.1. It is alleged in the FIR that her paternal home is at the house of Hareshbhai Nathabhai Patel at Prantij Patel Vas of Prantij Taluka. She has studied up to SYBA. Her house is situated behind the house of the Applicant. About four years ago, in the year 2021, in the month of June, the Applicant, who lives behind her house, told her that "when you come to the bathroom at your home to bathe and wash or change clothes, those photos and videos are in my mobile; if you do not maintain a relationship with me, I will make your photos and

videos viral on social media.”

5.2 Upon him saying this, she became very scared, so the Applicant told her that “If you want to delete the photos and videos in my mobile, you will have to come to Himmatnagar to meet me where I call.” When she explained to the Applicant not to do this, he said that “if you want the photos and videos deleted, you will have to come to meet me where I call.”

5.3 Since she has two children, and to ensure her married life was not ruined and her reputation in society was not lost, when the Applicant called her to Himmatnagar to meet, she went to Himmatnagar. The Applicant told her to come to Namu Hotel near Himmatnagar toll tax, so she went to Namu Hotel, and when she told the Applicant to delete her photos and videos, he said that “you will have to have physical relations with him and then he will delete the photos and videos.”

5.4 Upon him saying this, to ensure her reputation in society was not lost, she accepted his words and he forcibly had physical relations with her. After that, when she told the Applicant to delete her photos and videos, he did not delete her photos and videos. About fifteen days after that, the Applicant told her that, “If you come to meet me at Majra Krishna Guest House, I will delete your photos and videos.” Upon him saying so, when he called her to meet at Majra Krishna hotel, at that time also he forcibly had physical relations with her and did not delete her photos and videos, and threatened her saying, “come whenever and wherever I call you to meet, otherwise, he will make the video viral and

destroy your reputation.”

5.5. It is further alleged that, being very scared about four months ago, when the Applicant called her two or three times to meet on the terrace of the Gopinath complex in the Prantij market, she went to meet him. At that time, the Applicant had physical relations with her.

5.6 After that, on the previous date of 01.01.2026, she came to know that the Applicant had made viral the videos of the forced physical relations he had with her on the terrace of the Prantij Gopinath Complex. Upon learning this, she asked the Applicant why, even though she had come to meet him whenever he called, he had made her videos viral.

5.7 Upon saying this, he told her, “I have to make you my mistress, and I will now bring you to such a state that neither your family nor your paternal family will keep you; I will keep you as my mistress for the rest of your life.” After that, when her husband came to know about the explicit videos, her husband told her to go to Rahul’s house.

5.8. On the date of 12.01.2026, at about 2:30 in the afternoon, when she went to Rahul’s house, the family members of the Applicant had an argument with her. Consequently, she filed a complaint along with Pravinbhai Bhaktibhai Patel of her society and Rahul Kirtibhai Patel. The complaint states that while she was going to bathe and change clothes at her home, the Applicant recorded explicit videos and photos on his mobile. He told her that if she wanted the photos

and videos deleted, she must have physical relations with him. He called her to various places where he repeatedly forced physical relations and raped her. Furthermore, he made her photos and videos viral; thus, she lodged the FIR.

5.9. However, even before the complaint was lodged on 15.01.2026 before the Prantij police station, the victim had preferred an application before the police inspector, Prantij Police Station which read as under:-

“ I am pressing my complaint that Rahul Kirtibhai and I were in a relationship. We have been together for five years and while we were having physical relations, someone recorded a video. My husband saw this video after five months and it was leaked. Then they told me to leave the house. My reputation in society was destroyed. Rahul told me that he would take me with him. Today he took me from my home. There, his family members misbehaved with me. Then they came with sticks and beat me, so I have come here to file a police complaint. I want justice. My husband is not ready to take me back and Rahul should take me on contract of leaving relationship, this is my request”

5.10 Pursuant thereto, the statement of the Victim was also recorded on 12.01.2026.

6. Learned advocate for the applicant submits that the nature of allegations are such that custodial interrogation at this stage is not necessary. It is further submitted that the applicant will keep himself available during the course of investigation and trial also and will not flee from justice.

6.1 The learned advocate for the applicant further states that the applicant shall abide by all the conditions that may be imposed while granting anticipatory bail to the applicant. Accordingly, it is urged that this application may be allowed and to grant the anticipatory bail to the applicant.

6.2 At the first instance, when a video relating to the intimate relationship between the Applicant and the victim went viral through someone, about five months prior to the alleged incident, and the same was seen by her husband, the victim was taken to the residence of the present Applicant, wherein the family members of the Applicant entered into a quarrel with both the victim and the Applicant, pursuant to which a chapter case was registered.

6.3 As per the averments made in the earlier application preferred by the victim before the concerned police station prior in point of time, it is clearly stated that someone had made the said video viral; however, the victim has taken a somersault since her husband came to know about her relationship with the present Applicant, as a result of which she was driven out of her house, and the family members of the Applicant also did not accept her. Therefore, she preferred an application stating that she wished to live with the present Applicant in a live-in relationship. Except for this allegation, not an iota of evidence with regard to the contents of the FIR is found in the earlier application.

6.4 It is further argued that the Applicant and the victim have been in a consensual relationship for the past five years, which has been admitted by the victim herself in the application submitted before the Prantij Police Station prior to the lodging of the FIR. However, a completely different version has been stated in the FIR at the behest of Pravinbhai Bhaktibhai, against whom the father of the Applicant is appearing as an Advocate.

6.5 It is further submitted that the present FIR is nothing but an afterthought, and the Applicant has also preferred a quashing petition, which is presently under consideration.

6.6 It is submitted that the present FIR has been lodged at the behest of Pravinbhai Bhaktibhai merely because the victim has not been accepted by her own parents and is also facing resistance from the family members of the present Applicant.

7. Per contra, learned APP Mr. Pranav Dhagat would submit that, upon a bare perusal of the FIR, serious allegations are levelled against the present Applicant, which require custodial interrogation, particularly when a married woman has allegedly been exploited by a married man. Even if there exists a consensual relationship, the serious allegations made in the FIR require investigation in depth; hence, it is urged that the application be rejected.

8. Having heard the learned advocates appearing for the parties and perusing the papers available on record, it is incumbent upon the Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles

laid down in plethora of decisions of the Apex Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are (i) the nature and gravity of the accusation; (ii) the antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence; (iii) the possibility of the applicant to flee from justice; and (iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested. Though at the stage of granting bail an elaborate examination of evidence and detailed reasons touching the merits of the case, which may prejudice the case of accused, should be avoided. However, following aspects have been taken into consideration:

a) The victim had preferred an application before the Prantij Police Station prior to lodging of the FIR on 12.03.2026, pursuant to which her statement was also recorded, which is diametrically opposed to what has been stated in the FIR.

b) Without discussing the merits of the case, which may prejudice either side, it prima facie appears that the FIR has been lodged to protect the reputation of the victim after the intimate video was made viral by someone. The consensual relationship between the parties is also surfacing on record.

c) The lodging of the FIR at a belated stage appears to be an afterthought.

d) the learned advocate for the applicant has assured that the applicant will not flee from justice and would be available during investigation as well as the trial.

9. Considering the aforesaid aspects and the law laid down

by the Hon'ble Apex Court in the case of ***Siddharam Satlingappa Mhetre v. State of Maharashtra and Others***, reported in **(2011) 1 SCC 6941**, wherein the Hon'ble Apex Court reiterated the law laid down by the Constitution Bench in the case of ***Shri Gurubaksh Singh Sibbia & Others***, reported in **(1980) 2 SCC 665** and also the decision in the case of ***Sushila Aggarwal v. State (NCT of Delhi)***, reported in **(2020) 5 SCC 1**, the Court is inclined to allow the present application.

10. In the result, this application is allowed by directing that in the event of arrest/ appearance of the applicant in connection with the above-referred FIR, the applicant shall be released on bail on furnishing a personal bond of **Rs.10,000/- (Rupees Ten Thousand)** with one surety of like amount on the following conditions that applicant:

(a) shall cooperate with the investigation and make available for interrogation whenever required;

(b) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

(c) shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

(d) shall at the time of execution of bond, furnish the address to the investigating officer and the court concerned and shall not change residence till the final disposal of the case till further orders;

(e) shall not leave India without the permission of the

Court and if having passport shall deposit the same before the trial Court within a week;

(f) It is open to the police or the investigating agency to move the learned trial Court for a direction under Section 483(2) of the BNSS to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial, etc.

10.1 At the trial, the Trial Court shall not be influenced by the *prima facie* observations made by this Court while considering the bail application.

11. It is made clear that this order of anticipatory bail does not in any manner limit or restrict the rights or duties of the police or investigative agency to investigate into the charges against the applicant who is granted pre-arrest bail.

12. Rule is made absolute to the aforesaid extent. **Direct service** is permitted.

**(P. M. RAVAL, J)**

MMP