

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 4618 of 2026**

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JEMILKUMAR GOVINDBHAI VALA
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR S M KIKANI(7596) for the Applicant(s) No. 1
MS MARIYA M DALAL(3957) for the Respondent(s) No. 2
MS JIRGA JHAVERI, ADDL PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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**CORAM:HONOURABLE MR.JUSTICE UTKARSH THAKORBHAI
DESAI**

Date : 28/04/2026

ORAL ORDER

1. Heard learned advocate appearing on behalf of the applicant and learned Additional Public Prosecutor appearing on behalf of the respondent-State.

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. 11210022252385 of 2025 registered with Kapodra Police Station, Surat for the offence punishable under Sections 137(2), 64(2)(M), 65(1) and 87 of BNS, 2023 as well as Sections 4(2), 5(L), 6, 8 and 12 of the POCSO Act.

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, further incarceration of the applicant will not benefit the Investigation Officer in any manner. It is further submitted 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 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 applicant as coming out from the charge-sheet, this Court may not exercise 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. The applicant is a permanent resident of Surat, hence would be available at the time of trial;
- ii. The applicant and the victim were in a romantic relationship;
- iii. The investigation being over, charge-sheet has been filed;
- iv. The applicant does not have any criminal antecedents;

v. The apprehension of learned advocate for the original complainant that, the applicant's pan shop is in the same building where the victim resides with her family can be put to rest by imposing stringent conditions.

7. 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.**

8. 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.

9. Hence, the applicant is ordered to be released on bail in connection with F.I.R. registered as C.R. No.

11210022252385 of 2025 registered with Kapodra Police Station, Surat on executing a bail bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety of 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 his passport, if any, to the trial court within a week, and if he does not possess a passport, he shall file an affidavit to that effect;

[d] not leave the State of Gujarat without prior permission of the Trial Court concerned;

[e] furnish the present address of his residence to the I.O. and to the Court at the time of execution of the bond together with documentary proof and shall not change his residence without prior intimation to the

I.O. and the court;

[f] mark his presence before the concerned police station every alternate day for a period of one month, and thereafter, on every Monday till the completion of trial;

[g] not indulge in similar kind of offence hereinafter, for which, he shall file affidavits before the concerned court and the police station;

[I] not enter the local limits of Punagam, Dist. Surat till the completion of trial, except for the purpose of marking his presence with Kapodara Police Station, and to leave immediately after marking his presence.

10. 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 at liberty to take appropriate action in accordance with law.

11. Bail bond to be executed before the trial 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 and if circumstances, so desire.

12. At the stage of trial, the competent 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 enlarging the applicant on regular bail. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(UTKARSH THAKORBHAI DESAI, J)

DIVYA