

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 6758 of 2026**

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KALPESHBHAI NANJIBHAI BAMANIYA
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR KISHAN K NAYI(13080) for the Applicant(s) No. 1
DS AFF.NOT FILED (N) for the Respondent(s) No. 2
MR JK SHAH ADDL. PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL
Date : 06/04/2026
ORAL ORDER

1. Heard learned advocate Mr. Kishan Nayi appearing on behalf of the applicant and learned Additional Public Prosecutor Mr. J.K. Shah appearing on behalf of the respondent-State. Though served, none appears on behalf of the respondent No.2.

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.11185001251157 of 2025 registered with Bhanvad Police Station, Dist. Devbhumi Dwarka, for the offence punishable under Sections 137(2), 54, 87, 64(2) (m), 65(1) of the BNS and Sections 4, 8, 6, 12, 17 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 no useful purpose would be served by keeping the

applicant in jail for indefinite period. It is further contended 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 the 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 allegation being that the applicant had abated the main accused in eloping with the prosecutrix. It would appear in this regard that the present applicant was the maternal uncle of the main accused and whereas it would appear that the main accused had eloped with the prosecutrix and whereas the main accused was already married.
- ii. It would also appear that the main accused being aged around 21 years and the prosecutrix aged around 15 years, had eloped and stayed together for around 45 days and it would appear that thereafter, both the main accused and the prosecutrix had returned back to the home of the main accused, where on account of some differences, both had attempted to commit suicide and whereas while the prosecutrix had died, the main accused had sustained some injuries.
- iii. Be that as it may, the role of the present applicant appears to be in touch with the main accused during the period, when he had eloped with

the prosecutrix and whereas it would appear that he had informed the parents of the prosecutrix (deceased) that he would try and locate the prosecutrix and ensure that the prosecutrix is back with her family.

iv. Beyond the same, there is no other specific role attributed to the present applicant.

v. The fact of the present applicant being in custody since 07.12.2025, the charge-sheet having been laid by the Investigating Officer and the applicant having no other antecedents.

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 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.

8. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with F.I.R. registered as C.R. No.11185001251157 of 2025 registered with Bhanvad Police Station, Dist. Devbhumi Dwarka, 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 before the concerned police station for period of 3 months .

9. 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 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 application of the applicant for being released on regular bail.

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

Y.N. VYAS

(NIKHIL S. KARIEL,J)