

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 7093 of 2026**

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HARSHADBHAI HEMRAJBHAI DESAI

Versus

STATE OF GUJARAT

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Appearance:

MR KISHAN R CHAKWAWALA(9846) for the Applicant(s) No. 1

MR KRUTIK PARIKH, ADDL PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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

Date : 27/03/2026

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. 11213001250477 of 2025 registered with Virpur City Police Station, Rajkot Rural for the offence punishable under Sections 317(4), 318(4), 61(2) and 54 of the BNS, 2023.

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 Ahmedabad, hence would be available at the time of trial;
- ii. There are no independent witnesses who have named him;
- iii. The investigation is over and charge-sheet has been filed;
- iv. No proceeds of crime have been deposited in his account.

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. 11213001250477 of 2025 registered with Virpur City Police Station, Rajkot Rural on executing a bail bond of Rs.25,000/- (Rupees Twenty Five 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 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 on every Monday before the concerned police station till the trial is over;

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

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.

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