

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE
CHARGESHEET) NO. 7206 of 2026**

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RAHUL BALVIR PRAJAPATI
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR. MAULIK M SONI(7249) for the Applicant(s) No. 1
MS JIRGA JHAVERI, ADDL PUBLIC PROSECUTOR for the Respondent(s)
No. 1
=====CORAM:**HONOURABLE MR.JUSTICE UTKARSH THAKORBHAI
DESAI****Date : 08/04/2026****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. 11196043250501 of 2025 registered with Kapurai Police Station, Vadodara City for the offence punishable under Sections 137(2), 87, 64(2)(m) of the BNS, 2023 and Sections 4(1), 5(1) & 6 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, 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, this

Court may not exercise discretion in favour of the applicant and the application may be dismissed.

5.1 Mr. D.M. Khachar, learned advocate appears for the original complainant. He is permitted to file his vakalatnama in the Registry. Mr. Khachar, learned advocate for the original complainant places on record the affidavit filed by the original complainant Mr. Shravanbhai Prajapati, and submits that, the applicant has deposited an amount of Rs.3 lakhs in the joint name of the victim and the original complainant, by way of a Fixed Deposit on 04.04.2026 with Bank of Baroda, Waghodia Road, and that, the dispute between the applicant and the original complainant has been amicably settled and thus, the original complainant does not have any objection, if the applicant is granted bail.

6. I have heard learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

- i. The applicant does not have any criminal antecedents;
- ii. The applicant and the victim were in a romantic relationship;
- iii. The original complainant Mr. Shravanbhai Prajapati, has filed an affidavit wherein, he has stated that, the dispute between him/victim and the present applicant has been amicably settled. He is present before the court and has affirmed the said averments.
- iv. The original complainant and the applicant hail from the same community.

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. 11196043250501 of 2025 registered with Kapurai Police Station, Vadodara City, 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 local limits of Vadodara district 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 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 for one year;

[g] not indulge in similar kind of offence hereinafter, for which, he shall file an affidavit 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