

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL APPEAL NO. 990 of 2025
(REGULAR BAIL - AFTER CHARGESHEET)**

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MILAN @ HALU RAMESHBHAI PARMAR

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR HARESH N JOSHI(1871) for the Appellant(s) No. 1
NOTICE SERVED for the Opponent(s)/Respondent(s) No. 2
MR NIRAJ SHARMA APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI

Date : 18/06/2025

ORAL ORDER

1. Rule. Learned APP waives service of notice of rule for respondent – State of Gujarat.
2. The present appeal is filed under Section 14-A of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act for regular bail in connection with the FIR being C.R. No.11203023250045/2025 2025 registered with the 'A' Division Police Station, Junagadh for the offence punishable under Sections 137(2), 87, 64(2)(I), 64(2)(M) and 64(2)(H) of the Bharatiya Nyaya Sanhita, 2023, under Sections 4, 6, 8, 10 and 12 of the POCSO Act and under Sections 3(1)(W) (I) and 3(2)(5) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act .
3. Learned advocate submitted that now the investigation is completed and after submission of

the chargesheet, the present appeal is preferred and the appellant is arrested on 27.01.2025 and since then, he is in judicial custody. Learned advocate submitted that the applicant is aged about 22 years and is behind the bar since his arrest and if he is not granted bail then, his entire future would be ruined. He further submitted that during the course of investigation, the statement of the victim, who was below 18 years at the time of commission of crime, was recorded, wherein she has categorically stated that she was in love with the applicant and it was a consensus act. It is, therefore, urged that considering the nature of the offence and the period of incarceration, the appellant may be enlarged on regular bail by imposing suitable conditions.

4. Learned APP for the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence. It is submitted that the role of the present appellant is clearly spelt out from the papers of the chargesheet and, hence, this appeal may not be entertained.
5. Learned advocates appearing on behalf of the respective parties do not press for further reasoned order.
6. I have heard the learned advocates appearing on behalf of the respective parties and perused the papers of the investigation and considered the allegations levelled against the appellant and the

role played by the appellant. It is found out from the record that the present appeal is preferred after submission of the chargesheet and now the investigation is completed and the appellant is in jail since 27.01.2025. I have considered the role attributed to the present appellant at the time of commission of crime. I have also considered the statement of the victim, which was part of chargesheet papers, which clearly goes on to show that it was a consensus act of the victim with the applicant due to love relationship. Therefore considering the above factual aspects, the present appeal deserves to be allowed.

7. This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra Vs. Central Bureau of Investigation**, reported in [2012] 1 SCC 40 as well as in case of **Satender Kumar Antil Vs. Central Bureau of Investigation & Anr.** reported in (2022) 10 SCC 51.
8. In the facts and circumstances of the case and considering the nature of the allegations made against the appellant in the FIR, 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 appellant on regular bail.
9. Hence, the present appeal is allowed. The appellant is ordered to be released on regular

bail in connection with the FIR being C.R. No.11203023250045/2025 2025 registered with the 'A' Division Police Station, Junagadh on executing a personal bond of Rs.15,000/- (Rupees Fifteen 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 concerned court within a week;
- [d] not leave the State of Gujarat without prior permission of the concerned court;
- [e] mark presence before the concerned Police Station on alternate Monday of every English calendar month for a period of six months between 11:00 a.m. and 2:00 p.m.;
- [f] furnish the present address of residence to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of this Court;

10. The authorities will release the appellant 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 concerned Sessions Judge concerned will be free to issue warrant or take appropriate action in the matter.

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 trial, the trial Court shall not be influenced by the observations of preliminary nature qua the evidence at this stage made by this Court while enlarging the appellant on bail.
12. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(DIVYESH A. JOSHI, J.)

Gautam

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: GAUTAM G PATIL(HC00190), Principal Pvt. Secretary, at High Court of Gujarat on 18/06/2025 14:29:56