

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 9114 of 2025**

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PABABHAI NATHABHAI SILANA (PATEL CHAUDHARY)
Versus
STATE OF GUJARAT & ANR.

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Appearance:

D K PATEL(7571) for the Applicant(s) No. 1
MR. H. A. CHHATRIWALA(14649) for the Applicant(s) No. 1
MR HARDIK SONI, APP for the Respondent No.1
MS SONAL BHAVSAR for the Respondent No.2

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 07/05/2025****ORAL ORDER**

1. The applicant has filed this Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) for enlarging the applicant on Regular Bail in connection with FIR being C.R. No.11195050230818 of 2023 registered with Tharad Police Station, District:Banaskantha for the offences punishable under Sections 363 and 366, 376(3), 376(2)(n) of the B.N.S and Section 4 and 6 of the POCSO Act.

2. Heard learned advocate Mr.D.K.Patel appearing for the applicant, learned advocate Ms.Sonal J. Bhavsar appearing for the original complainant and learned Additional Public Prosecutor Mr.Hardik Soni for the Respondent – State.

2.1 Learned advocate on behalf of the original complainant shall file her Vakalatnama in the Registry. The Registry shall

accept the same.

3. Learned advocate for the applicant submitted that in the present offence, investigation is over and charge-sheet has been filed. The present applicant has been arrested in connection with the present offence on 3.2.2024 and since then the applicant is in custody. During her cross examination before the concerned trial court, the prosecutrix had stated in her deposition that she was aged around 19 years and had not supported the case of prosecution in her deposition before the concerned trial court. The applicant has already undergone incarceration of 459 days. He, therefore, submitted to allow the present application and enlarge the present applicant on bail subject to suitable conditions.

4. The application is opposed by learned APP.

5. Learned Advocate appearing for the original complainant submitted that the matter has been amicably settled between the parties and the complainant has no objection if the applicant is ordered to be enlarged on bail. She therefore submitted to pass an appropriate order.

6. This Court has considered the submissions canvassed by learned advocates for the parties and has also perused the material placed on record. Earlier the applicant had filed Criminal Misc. Application No.2236 of 2025 which was allowed to be withdrawn by this court vide order dated 4.2.2025. Thereafter the present is a successive bail application filed by the present applicant. Learned advocate for the applicant is not

in a position to show any change in circumstances, except the fact of deposition of the first informant which had been recorded before learned trial court. As held by the Hon'ble Apex Court in its judgment in the case of X. Vs. State of Rajasthan, this is not the stage for this court to appreciate the evidence which has been tendered in the trial.

7. Considering all these aspects, no case is made out to exercise discretion in favour of the applicant. The present Application is dismissed.

Manshi

(M. R. MENGDEY,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AMIN MANSI(HC01561), Private Secretary, at High Court of Gujarat on 09/05/2025 11:25:36