

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE
CHARGESHEET) NO. 10033 of 2026**

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RAKESH RAMESH VASAVA
Versus
STATE OF GUJARAT

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Appearance:

MR. BHAVIK P SHAH(6391) for the Applicant(s) No. 1
MS JIRGA JHAVERI, APP for the Respondent(s) No. 1

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

Date : 12/05/2026

ORAL ORDER

1. Heard learned advocate Mr. Bhavik P. Shah appearing on behalf of the applicant and learned Additional Public Prosecutor Ms. Jirga Jhaveri 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. 11214042252200 of 2025 registered with Olpad Police Station, District Surat Rural

for the offence punishable under Sections 143(2), 143(3) and 61(2)(A) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956.

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 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 affidavit of the Investigating Officer, 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. Allegations being under the Immoral Traffic (Prevention) Act and whereas the applicant being the Manager of the Resort, where the said illegal activity was going on.

ii. The allegation being that the applicant had rented out few of the rooms in his Resort for the alleged illegal activity and whereas, it would appear that the present applicant who was managing the Resort, has also been arraigned as an accused, and whereas, it would prima facie appear that, the applicant as the manager may have been responsible for renting out the rooms in question;

iii. The fact of the applicant having been arrested on 10.04.2026 and there being no other offences/antecedents against the present applicant of being involved in like activity or any other illegal activity whatsoever.

iv. The other co-accused of the same FIR, Akshaybhai Kanchanlal Bhandari who is the owner of Akshay Resort, wherein illegal activities were carried on, is released on regular bail by the co-ordinate bench of this court vide order dated 15.01.2026 in Criminal Misc. Application

No.830 of 2026.

v. Co-accused Akshay @ Goldi Athavale who was an employee of the said resort has also been considered for regular bail by the co-ordinate bench of this Court, vide order passed in Criminal Misc. Application No.1015 of 2026 on 16.01.2026.

vi. Other co-accused namely, Naresh Pansuriya, Suresh Rakholiya, Akshay Dhameliya, Surajsinh, Rahul Thakur, Ravisinh and Sajjan Jha have been considered for regular bail by the Sessions Court of Surat.

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.11214042252200 of 2025 with Olpad Police Station, District Surat Rural, on executing a bond of Rs.50,000/- (Rupees Fifty 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 on every alternate days till the charge-sheet is filed, and thereafter, once a week before the concerned police station, till the trial is over.

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.

(UTKARSH THAKORBHAI DESAI, J)

MAYA