

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 10609
of 2026**

=====

VISHAL RAJESHKUMAR SUNDESHA (MALI)

Versus

STATE OF GUJARAT

=====

Appearance:

MR P P MAJMUDAR(5284) for the Applicant(s) No. 1

MR. MUSHIRALI H. SAIYED(18532) for the Respondent(s) No. 1

MR. DHAWAN JAYSWAL, APP for the Respondent(s) No. 1

=====

CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI**Date : 18/05/2026****ORAL ORDER**

1. By way of the present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), the applicant - accused has prayed for anticipatory bail in connection with the FIR bearing No.11195019260380 of 2026 registered with Deesa Rural Police Station, Banaskantha for the offences punishable under Sections 64(2)(m) and 351(3) of the Bharatiya Nyay Sanhita, 2023.
2. Learned Advocate for the applicant submits that the nature of allegations are such for which custodial interrogation at this stage is not necessary. He further submits that the applicant will keep himself available during the course of investigation, trial also and will not flee from justice.
3. Learned Advocate for the applicant on instructions states that the applicant is ready and willing to abide by all the

conditions including imposition of conditions with regard to powers of Investigating Agency to file an application before the competent Court for his remand. He further submit that upon filing of such application by the Investigating Agency, the right of applicant accused to oppose such application on merits may be kept open. Learned Advocate, therefore, submitted that considering the above facts, the applicant may be granted anticipatory bail.

4. Learned Additional Public Prosecutor appearing on behalf of the respondent - State has opposed grant of anticipatory bail looking to the nature and gravity of the offence.
5. Having heard the learned advocates for the parties and perusing the material placed on record and taking into consideration the facts of the case, nature of allegations, gravity of offences, role attributed to the accused, without discussing the evidence in detail, at this stage, I am inclined to grant anticipatory bail to the applicant.
6. This Court h10609as considered following aspects,
 - (i) The applicant is a 19 years old boy and the victim is an 18 years old girl;
 - (ii) Prima-facie, it seems to be a case of a love affair. The victim and her father - complainant have filed an affidavit stating that a compromise has been arrived at between the parties and they have no objection if the applicant is released on anticipatory bail.
 - (iii) There is no past antecedent.
 - (iv) The applicant has stated that he will cooperate with the investigation and appear before the concerned Police Station on 21.05.2026 between 11:00 a.m. to 3:00 p.m.

7. In the facts and circumstances of the present case, since the custodial interrogation of the applicant is not required, I am inclined to consider the case of the applicant.
8. This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Siddharam Satlingappa Mhetre Vs. State of Maharashtra and Ors.**, reported at **[2011] 1 SCC 694**, wherein the Hon'ble Apex Court reiterated the law laid down by the Constitution Bench in the case of **Shri Gurubaksh Singh Sibbia & Ors. Vs. State of Punjab**, reported at **(1980) 2 SCC 565**.
9. In the result, the present application is allowed. The applicant is ordered to be released on bail in the event of his arrest in connection with FIR No.11195019260380 of 2026 registered with Deesa Rural Police Station, Banaskantha on executing a personal bond of Rs.10,000/- (Rupees Ten Thousand Only) with one surety each of like amount on the following conditions:
 - (a) shall cooperate with the investigation and make himself available for interrogation whenever required;
 - (b) shall remain present at concerned Police Station on 21.05.2026 between 11:00 a.m. and 3:00 p.m.;
 - (c) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
 - (d) shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
 - (e) shall at the time of execution of bond, furnish the address to the investigating officer and the court

concerned and shall not change residence till the final disposal of the case till further orders;

- (f) shall not leave India without the permission of the concerned trial court and if having passport shall deposit the same before the concerned trial court within a week; and
 - (g) it would be open to the Investigating Officer to file an application for remand if he considers it proper and just and the learned Magistrate would decide it on merits;
10. At the trial, the concerned trial court shall not be influenced by the prima-facie observations made by this Court in the present order.
11. Rule is made absolute to the aforesaid extent. Direct service is permitted.

RAVI OZA

(NIRZAR S. DESAI,J)