

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 25565 of 2025

=====

SANJAYBHAI SHANABHAI BHIL
Versus
STATE OF GUJARAT & ANR.

=====

Appearance:

JAYDEEP H SINDHI(9585) for the Applicant(s) No. 1
MR HANNAN A QURESHI(11351) for the Respondent(s) No. 2
MR TRUPESH KATHIRIYA, ADDL. PUBLIC PROSECUTOR for the
Respondent(s) No. 1

=====

CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 27/01/2026

ORAL ORDER

1. Heard learned advocate Mr.Jaydeep Sindhi appearing on behalf of the applicant, learned Additional Public Prosecutor Mr.Trupesh Kathiriya appearing on behalf of the respondent-State and learned advocate Mr.Hannan Qureshi appearing on behalf of the respondent no.2.

2. **Rule.** Learned APP waives service of rule on behalf of the respondent-State and learned advocate Mr.Hannan Qureshi waives service of rule on behalf of the respondent no.2

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. 11823009250533/2025 registered with Garudeshwar Police Station, Narmada for the offence punishable under Sections 137(2), 87, 65(1) of the BNS and Sections 4, 6 and 17 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 no useful purpose would be served by keeping the applicant in jail for indefinite period. 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 and learned advocate Mr.Hannan Qureshi for the respondent no2. have 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 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. While the age of the victim is stated to be around 15 years, age of the applicant being aged around 24 years could not be ignored.
- ii. It also appears that the parties were having a love affair and whereas, the same being reflected from the statement of the prosecutrix.
- iii. It also appears that even before the doctor when the applicant was being examined, it appears that the consensual part of the relationship had been mentioned.
- iv. The fact of the applicant being in custody since 15.08.2025 and the charge-sheet having been filed.

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. 11823009250533/2025 registered with Garudeshwar Police Station, Narmada, on executing a bond of Rs.10,000/- (Rupees Ten 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 once a month before the concerned police station till the statement of the prosecutrix is recorded.

[g] not to enter Taluka:Garudeshwar till the statement of the prosecutrix is recorded, except for the purpose of marking presence.

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.

Bhoomi

(NIKHIL S. KARIEL,J)