

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE
CHARGESHEET) NO. 26200 of 2025**

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AADAMJI @ GARO ISMAIL LIMBADA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR ZUBIN F BHARDA(159) for the Applicant(s) No. 1

MR DEVARSH P PANDYA(12986) for the Respondent(s) No. 2

MR LB DABHI ADDITIONAL PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 21/01/2026****ORAL ORDER**

1. Heard learned Advocate Mr. Zubin Bharda on behalf of the applicant, learned Additional Public Prosecutor Mr. L.B. Dabhi for the respondent-State and learned Advocate Mr. Devarsh Pandya on behalf of respondent no. 2.

2. **Rule.** Learned APP waives service of rule on behalf of the respondent-State.

3. The present applicant who has been arraigned as an accused has preferred 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. 11199004250630 of 2025** registered with **A Division Police Station, Ankleshwar City** for the offences punishable under Sections 137(2), 64(2)(M), 65(1), 78(2) and 87 of the Bhartiya Nyaya Sanhita read with Sections 4, 6 and 12 of the Protection of

Children from Sexual Offences Act, 2012 after filing of the charge-sheet.

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 since the charge-sheet is not filed 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 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, this Court may not exercise the discretion in favour of the applicant and the application may be dismissed.

6. Learned Advocate Mr. Devarsh Pandya on behalf of respondent no. 2- original complainant reiterated the submission made by learned APP.

7. This Court has heard learned Advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

(i) While the age of the prosecutrix which is stated to be around 14 years and 7 months at the time of incident cannot be ignored, the fact of the applicant being around 21 years could also not be overlooked.

(ii) It also appears that the parties were having a love affair and whereas the parties had eloped twice, once for one day and once for more than a month more particularly as per the statement given to the doctor.

(iii) It would also appear that while the fact of consent of 14 years girl may not be material yet the above fact being stated to show that there is no element of coercion, threat or pressure involved.

(iv) The fact the applicant being in custody since 16.09.2025 and the charge-sheet having been filed by the Investigating Officer.

(v) The apprehension expressed by learned Advocate for the complainant could be allayed by imposing suitable condition.

8. 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**.

9. In the facts and circumstances of the case and considering the nature of the allegations made 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.

10. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with FIR being **C.R. No. 11199004250630**

of 2025 registered with **A Division Police Station, Ankleshwar City** on executing a bond of **Rs.5,000/- (Rupees Five Thousands 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] **not enter Bharuch District except for the purpose of attending the trial, which the applicant shall do regularly;**
- [f] **not enter Bharuch District till the deposition of the prosecutrix in the trial is over;**
- [g] not try and contact the prosecutrix in any manner whatsoever till the deposition of the prosecutrix is recorded;
- [h] furnish the proposed 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 residential address without prior intimation to the I.O.

11. 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 Judge concerned will be free to take appropriate action in the matter.

12. 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.

13. 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.

14. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(NIKHIL S. KARIEL,J)

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