

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE
CHARGESHEET) NO. 27897 of 2025**

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PARESHKUMAR RAJENDRASINH JUVANSINH SOLANKI

Versus

STATE OF GUJARAT

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Appearance:

MR ASHUTOSH S DAVE(8865) for the Applicant(s) No. 1

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

MR UTSAV RAVAL FOR THE ORIGINAL COMPLAINANT

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 06/01/2026****ORAL ORDER**

1. Heard learned Advocate Mr. Ashutosh Dave on behalf of the applicant, learned Additional Public Prosecutor Mr. L.B. Dabhi on behalf of respondent- State and learned Advocate Mr. Utsav Raval appears for the original complainant.

2. **Rule.** Learned APP Mr. Dabhi waives service of rule on behalf of the respondent-State and learned Advocate Mr. Raval waives for the original complainant.

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. 11206020251122 of 2025 registered with Kadi Police Station, Mahesana** for offences punishable under Sections 140(2), 308(2), 308(5), 308(6), 204, 61(2), 115(2) and 351(3) of the Bhatiya Nyay Sanhita, 2023 before filing of the charge-sheet more

particularly the application preferred by the applicant having been rejected by the learned Trial Court.

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. This Court has heard learned Advocates for the respective parties and perused the FIR as well as passed by learned Session Court as well as affidavit filed by the investigating officer before the learned Trial Court.

7. 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**.

8. This Court has also considered the following aspects:

(i) While the FIR inter alia alleges commission of offence

punishable under Sections 140(2), 204, 61(2) etc. of the BNS, yet it would appear that the present applicant may not have been connected with the principal offence at all.

(ii) The allegation being that the complainant, had been abducted and had been threatened with lodging of false case of rape etc. and had been asked to give an amount of Rs. 5,00,000/- of which he had given an amount of Rs. 1,00,000/- and whereas when the complainant had gone to the place where the remaining money was given, the applicant had come along with another person to collect the amount thus he was roped in the offence.

(iii) Prima facie it would appear that the applicant was not part of either the conspiracy or the offence in any manner whatsoever.

(iv) The fact of the complainant also stating as much as regards the applicant not being part of the principal offence.

(v) The fact of the applicant having no antecedents at all.

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. 11206020251122**

of 2025 registered with Kadi Police Station, Mahesana 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] Mark his presence in the concerned Police Station once fortnight till charge-sheet is filed and thereafter once in a month for a period of three months between 11:00 a.m. to 2:00 p.m.

[f] 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 residential address without prior permission of the Sessions Court;

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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