

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 27817 of 2025****With****R/CRIMINAL MISC.APPLICATION NO. 27818 of 2025**

=====

MAHESHBHAI SHANKARJI THAKOR

Versus

STATE OF GUJARAT & ANR.

=====

Appearance:

MR SANJAY PRAJAPATI FOR MR SURESH M CHAUDHARY(9938) for the
Applicant(s) No. 1MR YASH PATEL FOR MS. NISHITA PRAJAPATI(14338) for the Respondent(s)
No. 2

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

=====

CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 19/02/2026****COMMON ORAL ORDER**

1. Heard learned Advocate Mr. Sanjay Prajapati for learned Advocate Mr. Suresh Chaudhary on behalf of the applicants, learned Additional Public Prosecutor Mr. L.B. Dabhi for the respondent-State and learned Advocate Mr. Yash P. Patel for learned Advocate Ms. Nishita Prajapati on behalf of the original complainant.
2. Since allegations levelled against the present applicants in the present FIR are similar, the applications have been taken up for hearing jointly .
3. **Rule.** Learned APP waives service of rule on behalf of the respondent-State.
4. The present applicants who have been arraigned as accused have

preferred these applications under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicants on Regular Bail in connection with FIR being **C.R. No. 11195007250733 of 2025 registered with Bhabhar Police Station, Banaskantha** for the offence punishable under Sections 137(2), 87, 75, 64, 65(1) 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.

5. Learned Advocate for the applicants and learned Advocate for the respondent no. 2 – original complainant would jointly submit that the parties have settled the matter inter se and whereas the complainant is present in the Court and whereas he is identified by learned Advocate Mr. Patel for respondent no. 2 and whereas it is submitted that the parties having settled the issue inter se this Court may consider releasing the applicants on regular bail. Affidavits are tendered across the bar which are taken on record.

6. 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 applicants as coming out from the charge-sheet, this Court may not exercise the discretion in favour of the applicants and the applications may be dismissed.

7. This Court has heard learned Advocates for the respective parties and perused the FIR including charge-sheet as well as order passed by learned

Session Court as well as affidavit filed by the investigating officer before the learned Trial Court. Following aspects are considered :

- (i) Victims, both sisters, having eloped with the applicants herein, and whereas it would appear that the both the sisters were having a love affair with the respective applicants.
- (ii) Considering the age of the applicants that is 22 years and 20 years, it would appear that the present is a case of an adolescent love affair.
- (iii) The submissions of learned Advocates for the applicants and respondent no. 2 that the parties have settled the matter inter se and more particularly the fact coming out from the affidavit filed by the complainant who is present in the Court and identified by learned Advocate Mr. Patel.

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 against the applicants 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 applicants on regular bail.

10. Hence, the present applications are allowed. The applicants are ordered to be released on bail in connection with **C.R. No. 11195007250733 of 2025 registered with Bhabhar Police Station, Banaskantha** on executing a bond of Rs.10,000/- (Rupees Ten Thousands only) each with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that they 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 presence at the concerned Police Station once in a month for a period of three months;
- [g] 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 intimation to the I.O.

11. The Authorities will release the applicants only if they are 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 applicants for being released on regular bail.

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

(NIKHIL S. KARIEL,J)

NIRU