IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 21247 of 2025

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VIPIN S/O. DASARIYABHAI BADHEL
Versus
STATE OF GUJARAT & ANR.

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Appearance:
DENISH V MAVADHIYA(9207) for the Applicant(s) No. 1
NOTICE SERVED for the Respondent(s) No. 2
MR NIRAJ SHARMA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**

Date : 24/12/2025

ORAL ORDER

Though served none appears for the original Complainant.

1. Heard learned advocate Mr.Dax Solanki for learned advocate Mr.Denish Mavadhiya appearing on behalf of the applicant and learned Additional Public Prosecutor Mr.Sharma appearing on behalf of the respondent-State.

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

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. 11189005251137 of 2025** registered with **Morbi Taluka Police Station, District : Morbi,** for the offence punishable under Sections 137(2), 87, 64(1), 64(2)(m) and 54 of BNS, 2023 read with Sections 3, 4, 5(l), 6, 5(J) (2) 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 since the charge-sheet is 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 as coming out from the charge-sheet, 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 prosecutrix is approximately 14 years, and whereas the age of the accused No.1 is stated to be around 20 years, and it would appear that the role attributed to the present applicant is of having abetted the offence;

ii. Perusing the FIR and charge-sheet papers, it would appear that the present applicant has accompanied the accused and

the prosecutrix while they were eloping; beyond the same, there is no other role attributed to the present applicant;

iii. The fact that the applicant being in custody since 06.06.2025 and the charge-sheet having been filed by the Investigating Officer;

iv. The fact of the applicant there being no other antecedents and the age of the applicant being 24 years;

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

9. 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. 11189005251137 of 2025 registered with Morbi Taluka Police Station, District : Morbi,**, on executing a bond of Rs.5,000/- (Rupees Five 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 Sessions 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 before concerned police station once a month for a period of six months;

10. 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.

11. 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.

12. 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.

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

(NIKHIL S. KARIEL,J)

KUMAR ALOK

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ALOK KUMAR(HC01091), PRIVATE SECRETARY, at High Court of Gujarat on 29/12/2025 13:37:03