

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 3013
of 2026**

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HAFIZABEN IRFAN PAREKH
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR M T SAIYAD(3848) for the Applicant(s) No. 1
MR Y J PATEL(3985) for the Respondent(s) No. 2
ROHAN RAVAL APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL**Date : 30/03/2026****ORAL ORDER**

1. Rule. Learned Additional Public Prosecutor waives service of notice of rule for respondent - State of Gujarat.

2. By way of this application **under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "BNSS")**, the applicant has prayed for anticipatory bail in the event of arrest in connection with the FIR being C.R. No. 11203038250650/2025, registered with Mangrol Police Station, for the offences alleged therein.

3. Learned Advocate for the Applicant submits that the victim turn major on 12.11.2025 and got married with org accused on 15.11.2025. Original accused and victim were in relationship since last four years. The father and mother of the Applicant were against the said marriage. The alleged incident

of abortion is of 20.07.2024. The org accused came to be arrested on 03.12.2025, whereas, the FIR came to be lodged on 28.12.2025. Thus, it is argued that the FIR is lodged after threatening the victim and to rope the entire family of the original accused and sister and brother in law of the accused No. 1.

3.1 Learned advocate for the applicant further submits that the nature of allegations are such that custodial interrogation at this stage is not necessary. It is further submitted that the applicant will keep himself available during the course of investigation and trial also and will not flee from justice.

3.2 The learned advocate for the applicant further states that the applicant shall abide by all the conditions that may be imposed while granting anticipatory bail to the applicant. Accordingly, it is urged that this application may be allowed and to grant the anticipatory bail to the applicant.

4. Per contra, the learned Additional Public Prosecutor appearing on behalf of the respondent – State has opposed grant of anticipatory bail looking to the nature and gravity of the offence and requested not to entertain this application. Learned APP would further submit that when the abortion was carried out the victim was minor. Though there are no specific statement of the doctor supporting presence of applicant, however, from the reading of the FIR, presence of the present Applicant are surfaces on record.

4.1 Learned Advocate Mr. Y. J Patel for the Original Complainant would submit that since the presence of the present Applicant while carrying out abortion was surfaces on record from the FIR itself, the Court may not exercise discretionary jurisdiction and argued to reject the captioned application. He further submits that even as per the Affidavit filed by the I.O. before the Sessions Court, the statement of the victim under Section 183 of the BNSS is also on record.

5. Having heard the learned advocates appearing for the parties and perusing the papers available on record, it is incumbent upon the Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in plethora of decisions of the Apex Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are (i) the nature and gravity of the accusation; (ii) the antecedents of the applicant including the fact as to whether she has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence; (iii) the possibility of the applicant to flee from justice; and (iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested. Though at the stage of granting bail an elaborate examination of evidence and detailed reasons touching the merits of the case, which may prejudice the case of accused, should be avoided. However, following aspects have been taken into consideration:

a) The Original accused and the victim seems to have been in consensual relation prior to the lodging of the FIR. Victim having turn major on 12.11.2025 (date of birth 13.11.2007) and married on 15.11.2025, however the present original accused came to be arrested on 03.12.2025 and the FIR came to be lodged on 28.12.2025.

b) The Original accused and victim has stayed together for almost 15 days. Though the allegations of abortion gets substantiated from the statement of the doctor, however, presence of the present Applicant is not surfacing on record from the investigation till today.

c) the learned advocate for the applicant has assured that the applicant will not flee from justice and would be available during investigation as well as the trial.

6. Considering the aforesaid aspects and the law laid down by the Hon'ble Apex Court in the case of ***Siddharam Satlingappa Mhetre v. State of Maharashtra and Others***, reported in **(2011) 1 SCC 6941**, wherein the Hon'ble Apex Court reiterated the law laid down by the Constitution Bench in the case of ***Shri Gurubaksh Singh Sibbia & Others***, reported in **(1980) 2 SCC 665** and also the decision in the case of ***Sushila Aggarwal v. State (NCT of Delhi)***, reported in **(2020) 5 SCC 1**, the Court is inclined to allow the present application.

7. In the result, this application is allowed by directing that in the event of arrest/ appearance of the applicant in connection with the above-referred FIR, the applicant shall be released on bail on furnishing a personal bond of **Rs.10,000/- (Rupees Ten Thousand)** with one surety of like amount on

the following conditions that applicant:

- (a) shall cooperate with the investigation and make available for interrogation whenever required;
- (b) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- (c) shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- (d) shall remain present at the concerned Police Station on 07.04.2026 between 11.00 a.m. and 2.00 p.m. and the Investigating Officer shall ensure that no unnecessary harassment or inconvenience is caused to the applicant;
- (e) shall at the time of execution of bond, furnish the address to the investigating officer and the court concerned and shall not change residence till the final disposal of the case till further orders;
- (f) shall not leave India without the permission of the Court and if having passport shall deposit the same before the trial Court within a week;
- (g) It is open to the police or the investigating agency to move the learned trial Court for a direction under Section 483(2) of the BNSS to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial, etc.

7.1 At the trial, the Trial Court shall not be influenced by the *prima facie* observations made by this Court while considering the bail application.

8. It is made clear that this order of anticipatory bail does not in any manner limit or restrict the rights or duties of the police or investigative agency to investigate into the charges against the applicant who is granted pre-arrest bail.

9. Rule is made absolute to the aforesaid extent. **Direct service** is permitted.

(P. M. RAVAL, J)

MMP

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MAHENDRA MOHANBHAI PUROHIT(HCD0074), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 30/03/2026
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