IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 17903 of 2026

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SHANKARBHAI SUMANBHAI AJNAR

Versus

STATE OF GUJARAT & ANR.

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Appearance:
MR PRATIK Y JASANI(5325) for the Applicant(s) No. 1
MR PRIYAM D BRAHMBHATT(17278) for the Respondent(s) No. 2
MS SHRUTI PATHAK, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

Date : 07/10/2026

ORDER

[1.0] **RULE.** Learned APP waives service of rule for the respondent-State.

[2.0] The present application is filed under Section 483 of the Bharatiya Nyaya Suraksha Sanhita, 2023 (for short "BNSS") for regular bail in connection with FIR being **C.R. No.I-4/2017** registered with **'A' Division Police Station, District Morbi** for the offences punishable under Sections 363, 366, 323, 376(2)(n), 504, 506(2) and 114 of the Indian Penal Code, 1860 and sections 3(a), 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 and section 135 of the Gujarat Police Act.

[3.0] Learned advocate appearing on behalf of the applicant submits that the present applicant was granted regular bail by the coordinate Bench of this Court vide order dated 29.01.2018 passed in Criminal Misc. Application No.1292 of 2018 on certain terms and conditions however, the applicant did not remain present before the learned trial Court and marked his presence and therefore, arrest warrant came to be issued and applicant came to be arrested. Upon instructions, he has submitted that the applicant shall regularly attend the Court proceedings. Hence, the present application is filed seeking regular bail.

[4.0] Learned APP appearing on behalf of the respondent-State and learned advocate for the original complainant have opposed the present application and requested to dismiss the present application for regular bail looking to the nature and gravity of the offence.

[5.0] While granting bail, the Court has to consider the involvement of the accused in the alleged offence, the jurisdiction to grant bail has to be exercised on the basis of the well settled principles having regard to the facts and circumstances of each case and the following factors are to be taken into consideration while considering an application for bail: (i) the nature of accusation and the severity of the punishment and the nature of the materials relied upon by the prosecution; (ii) reasonable apprehension of tampering with the witnesses and threat to the complainant or the witnesses; (iii) reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence; (iv) character behaviour and standing of the accused and the circumstances which are peculiar to the accused; (v) larger interest of the public or the State and similar other considerations are required to be considered.

[6.0] I have heard the learned advocates appearing on behalf of the respective parties and perused the investigation papers. In present case, the investigation is over and charge-sheet has been filed. Following aspects have been considered:

(1) Applicant was already granted regular bail by the coordinate Bench of this Court;

(2) He could not remain present before the learned trial Court because of which arrest warrant came to be issued and applicant came to be arrested and is behind the bars since **27.05.2026;**

(3) The applicant has assured this Court that he will remain present before the learned trial Court as and when date of trial will be fixed and shall regularly attend the trial proceedings.

[7.0] This Court has also taken into consideration the law laid down by the

Hon'ble Apex Court in the case of **Sanjay Chandra vs. Central Bureau of Investigation** reported in **[2012]1 SCC 40** as well as in the case of **Gudikanti Narasimhulu And Ors vs. Public Prosecutor, High Court of Andhra Pradesh** reported in **(1978)1 SCC 240.** Obviously, the conclusion of trial will take time and keeping the accused behind the bars is nothing but amounts to pre-trial conviction and therefore, considering the celebrated principle of bail jurisprudence is that *"bail is a rule and jail is exception"* as well as the concept of personal liberty guaranteed under Article 21 of the Constitution of India, present application deserves consideration.

[8.0] In the facts and circumstances of the case and considering the nature of the allegations made against the applicant in the FIR, 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. Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with FIR being **C.R. No.I-4/2017** registered with **'A' Division Police Station, District Morbi** on executing a personal bond of Rs.25,000/- (Rupees Twenty-five Thousand only) with **ONE LOCAL 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 & shall not obstruct or hamper the police investigation and shall not to play mischief with the evidence collected or yet to be collected by the police;

(c) surrender passport, if any, to the Trial Court within a week;

(d) not leave the **COUNTRY** without prior permission of the Trial Court concerned;

(e) mark presence before the concerned Police Station once in a month for a period of six months between 11.00 a.m. and 2.00 p.m.;

(f) furnish the present address of his residence as well as contact

number, Aadhar details to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change any of the same without prior permission of Trial Court;

(g) **regularly attend the Court and engage an Advocate and in the event of his absence, shall mark presence through his Advocate;**

(h) **not indulge in any type of illegal activity and shall abide by all conditions imposed by the concerned learned Sessions Court, failing which, concerned learned Sessions Court is at liberty to issue warrant against the applicant and applicant can be taken into judicial custody;**

(i) trial Court shall be at liberty to impose any further or other condition to secure the presence of the applicant during the trial**.**

[9.0] 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 issue warrant or take appropriate action in the matter.

[10.0] 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.

[11.0] At the trial, the trial Court shall not be influenced by the observations of preliminary nature qua the evidence at this stage made by this Court while enlarging the applicant on bail.

[12.0] Rule is made absolute to the aforesaid extent. Direct service is permitted.

(HASMUKH D. SUTHAR, J.)

Ajay

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AJAY CHANDRAN MENON(HC00939), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 07/10/2026 18:10:24