

(2025) 12 GUJ CK 0015

Gujarat High Court

Case No: R/Criminal Misc.Application (For Regular Bail - Before Chargesheet) No. 23465 Of
2025

Miteshbhai Jayeshbhai
Bambhaniya

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision: Dec. 10, 2025

Acts Referred:

- Bharatiya Nagarik Suraksha Sanhita, 2023-Section 483
- Indian Penal Code, 1860-Section 376(2)(n), 506(2)
- Bharatiya Nyaya Sanhita, 2023-Section 316(2), 318(4)

Hon'ble Judges: Nikhil S. Kariel, J

Bench: Single Bench

Advocate: Alok M Thakkar, Niraj Sharma

Final Decision: Allowed

Judgement

Nikhil S. Kariel, J

1. Heard learned Advocate Mr. Alok Thakkar on behalf of the applicant and learned Additional Public Prosecutor Mr. Niraj Sharma on behalf of the respondent-State.

2. At the outset learned APP would draw the attention of this Court to the fact that during pendency of the present application charge-sheet has been laid by the Investigating Officer. Considering that the present application had been filed by the applicant in the month of November 2025 and had been listed before this Court on a couple of occasion whereas notice had been issued on 14.11.2025, this Court is inclined to consider this application even at this stage.

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

4. 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. 11208058250140 of 2025 registered with Airport Police Station, Rajkot City for the offences punishable under Sections 376(2)(n) and 506(2) of the Indian Penal Code.

5. Learned Advocate on behalf of the applicant would submit that considering the role attributed to the applicant, and nature of the allegation levelled against, the applicant may be enlarged on regular bail. It is further submitted that applicant is ready and willing to abide by all the conditions that may be imposed by this Court if released on bail.

6. The present application is vehemently objected to by learned APP on behalf of respondent- State by submitting 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.

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

8. This Court has taken into consideration the law laid down by the Honble Apex Court in the case of Sanjay Chandra v. Central Bureau of Investigation reported in [2012] 1 SCC 40.

9. This Court has also considered the following aspects:

(i) While the present FIR inter alia alleges serious offences against the present applicant, yet, perusal of the FIR, itself would reveal that the first informant was aged around 25 years old and whereas it would also prima facie appear that the relations may have been consensual in nature.

(ii) What would appeal more is the fact that the present FIR had been registered on 11.10.2025 inter alia alleging the offence having been committed on 30.05.2024 and thereabouts and whereas, even before filing of the present FIR, mother of the present applicant had filed an FIR against the complainant herein on 28.08.2025 for an offence punishable under Sections 316(2) and 318(4) of the BNS, more particularly alleging cheating and breach of trust.

(iii) It would also appear that the said complaint had been investigated and the some of the muddamal article had been recovered from the finance company where the same had been mortgaged by the complainant herein.

(iv) The fact of the present complaint, being a counterblast could not be ruled out.

(v) The fact of the applicant being in custody since 13.10.2025 and Investigating officer having laid the charge-sheet during pendency of the present application.

(vi) The fact of the applicant being 26 years old person without any antecedents.

10. 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.

11. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with FIR being C.R. No. 11208058250140 of 2025 registered with Airport Police Station, Rajkot City on executing a bond of Rs.20,000/- (Rupees Twenty Thousands 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 in a month for a period of six 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 intimation to the I.O.

12. 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.

13. 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.

14. 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.

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