

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 8471
of 2025**

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SONI BHARATBHAI CHANDULAL
Versus
STATE OF GUJARAT

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Appearance:

MR RAKESH R PATEL(3239) for the Applicant(s) No. 1

MR PRANAV DHAGAT, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 30/04/2025

ORAL ORDER

Report submitted by the P.I. Visnagar Town police Station is taken on record.

RULE. Learned APP waives service of rule for the respondent-State.

[1.0] By way of the present application under Section 482 of the BNSS, the applicant accused has prayed to release him on anticipatory bail in the event of his arrest in connection with the FIR being **C.R. No.11206075250193/2025** registered with **Visnagar Town Police Station, Visnagar, District : Mehsana**, for the offences punishable under Section 64(2)m, 74, 352 and 351(2) of BNS.

[2.0] Learned advocate for the applicant submits that the applicant has nothing to do with the offence and he is falsely enroped in the offence. Learned advocate for the applicant has submitted that victim is major and whatever allegations is levelled is against the accused No.1 is released on anticipatory bail by this Court. The alleged incident took place during the year 2015 to 2024, while complaint was filed belatedly in the month of March, 2025. Now nothing is required to be recovered and discovered from the accused. The allegations against the present applicant is that the prosecutrix is having relationship with the accused No.1, which came to

know to the present applicant, due to this reason, the present applicant was used to make illegitimate demand to develop physical relationship with her and he tried to tease her, except this no any allegation is levelled. Applicant is having no past antecedents. Applicant is ready and willing to join the investigation and therefore, custodial interrogation at this stage is not necessary. Besides, the applicant is available during the course of investigation and will not flee from justice. In view of the above, the applicant may be granted anticipatory bail.

[3.0] Learned APP has vehemently opposed the present application on the ground that the applicant is involved in the serious offence, which is against the society and against the woman. He has tried to take undue advantage and tried to blackmail her. Prima facie his involvement is there. Based on these facts, the APP has requested the dismissal of the present application. Hence, as custodial interrogation of the applicant is required, he has requested to dismiss the present application.

[4.0] Having heard the learned advocate for the parties and perusing the investigation papers, it is equally incumbent upon the Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of the Hon'ble 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 he 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 merit of the case, which may prejudice the accused, should be avoided. I have considered the following aspects :

- (1) Offence is not punishable with life imprisonment or death penalty;
- (2) The alleged incident took place between the year 2015 to 2024. Thereafter, complaint is filed belatedly on 06.03.2025;
- (3) The allegations against the present applicant is that the prosecutrix is having relationship with the accused No.1, which came to know to the present applicant, due to this reason, the present applicant was used to make illegitimate demand to develop physical relationship with her and he tried to tease her, except this no any allegation is levelled and there are no allegations of penetrative, aggravated, or any form of sexual assault;
- (4) Applicant is ready and willing to join the investigation;
- (5) No antecedent is reported against the applicant;
- (6) Nothing is required to be recovered and discovered from the accused;
- (7) The allegations levelled against whom i.e. accused No.1 is already released on anticipatory bail by this Court. Considering the ground of parity, the present application may be allowed;

[5.0] Considering the decision rendered in case of **Rameshbhai Batubhai Dabhi vs. State of Gujarat** reported in **(1999) 3 GLR 1150**, on the ground of parity, the present application may be allowed.

[5.1] Considering the aforesaid aspects and the law laid down by the Hon'ble Apex Court in the case of **Siddharam Satlingappa Mhetre vs. State of Maharashtra and Ors.** 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 & Ors.** 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**, I am inclined to allow the present application.

[6.0] In the result, the present application is allowed by directing that in the event of **arrest / appearance** of the applicant in connection with the FIR being **C.R. No.11206075250193/2025** registered with **Visnagar Town Police Station, Visnagar, District : Mehsana**, the applicant shall be released on bail on furnishing a personal bond of **Rs.10,000/- (Rupees Ten Thousand Only)** with one surety of like amount on the following conditions that applicant :

- (a) shall cooperate with the investigation and make himself available for interrogation whenever required;
- (b) **shall remain present at the concerned Police Station on 03/05/2025 between 11.00 a.m. and 2.00 p.m. and the IO shall ensure that no unnecessary harassment or inconvenience is caused to the applicant;**
- (c) 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;
- (d) 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;
- (e) shall at the time of execution of bond, furnish the address to the investigating officer and the court concerned and shall not change his 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) an 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 person who seeks and is granted pre-arrest bail;
- (h) It is open to the police or the investigating agency to move the learned trial Court for a direction under Section 483(2) 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.-

[7.0] At the trial, the Trial Court shall not be influenced by the *prima facie* observations made by this Court while enlarging the applicant on bail.

[8.0] Rule is made absolute to the aforesaid extent. Application is disposed of accordingly. Direct service is permitted.

(HASMUKH D. SUTHAR,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 30/04/2025 14:44:28