

(2025) 12 GUJ CK 1850
In the Gujarat High Court

Case No : R/Criminal Misc.Application (For Regular Bail - Before Chargesheet)
No. 26167 Of 2025

Lakhanbhai Govindbhai Karmur

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 17-12-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 483

Bharatiya Nyaya Sanhita, 2023 — Section 70(1), 115(2), 351(3), 54

Citation : (2025) 12 GUJ CK 1850

Hon'ble Judges : Nikhil S. Kariel, J

Bench : Single Bench

Advocate : Anurag R Rathor, Aditya Jadeja

Final Decision : Allowed

Judgement

Nikhil S. Kariel, J

1. Heard learned advocate Mr. Ashish Dagli with learned Advocate Mr. Anurag R. Rathor appearing on behalf of the applicant and learned Additional Public Prosecutor Mr. Aditya Jadeja 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. 11185004251579 of 2025 registered with Jam Khambhalia Police Station, District Devbhoomi Dwaraka, for the offence punishable under Sections 70(1), 115(2), 351(3) and 54 of the Bharatiya Nyaya Sanhita.

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 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 affidavit of the Investigating Officer, 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. Though the learned APP has informed that the charge-sheet has been laid, yet, considering the nature of allegation against the present applicant, this Court is inclined to consider this application and the following aspects are considered:-

i. While the allegations levelled against the applicant in the FIR on the first blush may appear to be serious, yet, upon a deeper appreciation it would reveal that the complainant is in the habit of filing complaints with similar allegation against various persons and later settling the same.

ii. Though learned Advocate Mr. Dagli would submit that there are at list five such instances which had happened in the same Police Station, yet, they could lay their hands on one FIR and two applications. Perusal of the same revealing that the allegation levelled against the accused therein, appear to be similar.

iii. It would appear that the complainant is a 33 years old lady and whereas the fact of the complainant getting into relationships and later such relationships going sour, appearing to be too difficult to be appreciated as a coincidence.

iv. The fact of one of the complaints being of very recent origin i.e. of 24th May, 2023, whereas the present complaint being of October, 2023. The allegations in the said complaint also being identical.

v. This Court has also perused an agreement, which is annexed with the application, wherein it appears that the present complainant had settled with the accused of the 2023 complaint.

vi. It also appears that the applications with the very selfsame allegations and later on, settlement deeds, with the accused therein have also been perused by this Court.

vii. Considering the above, since prima facie it would appear that the allegations made in the present FIR may be exaggerated insofar as the allegation of forceful relationship is concerned and since prima facie the modus appears to be similar, this Court is inclined to consider this application.

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.

7. 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.

8. 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. 11185004251579 of 2025 registered with Jam Khambhalia Police Station, District Devbhoomi Dwaraka, on executing a bond of Rs.10,000/-(Rupees Ten 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 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 once a month for a period of six months before the concerned police station.

9. 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.

10. 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. 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.

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