

(2025) 12 GUJ CK 1856
In the Gujarat High Court

Case No : R/Criminal Misc.Application (For Regular Bail - After Chargesheet) No. 19323 Of 2025

Sanjaybhai Bhagabhai Chothabhai Chaudhary

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 16-12-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 483
Bharatiya Nyaya Sanhita, 2023 — Section 64(2)(m), 308(2), 351(3)
Information Technology Act, 2000 — Section 67

Citation : (2025) 12 GUJ CK 1856

Hon'ble Judges : Nikhil S. Kariel, J

Bench : Single Bench

Advocate : Kishan R Chakwawala, Manan S Doshi, Aafrin Saiyed, Divyangna Jhala

Final Decision : Allowed

Judgement

Nikhil S. Kariel, J

1. Heard learned advocate Mr. Kishan R. Chakwawala appearing on behalf of the applicant and learned Additional Public Prosecutor Ms. Jhala appearing on behalf of the respondent-State and learned Advocate Ms. Aafrin Saiyed on behalf of the original complainant.

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.11217020250553 of 2025 registered with 'B' Division Police Station, Patan City, District Patan, for the offence punishable under Sections 64(2)(m), 308(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 and under Section 67 of the Information and Technology Act.

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 submitted that since the charge-sheet is filed, no useful purpose would be served by keeping the applicant in jail for indefinite period. 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 charge-sheet, 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. Following aspects are considered:-

i. The fact that the present appears to be case of consensual relationship which had gone sour.

ii. It also appears, as per the investigation papers, that the complainant was already married and had divorced and whereas the said fact does not appear to be stated in the complaint.

iii. The fact of the complainant being mature lady aged about 30 years and whereas the present applicant also being around the same age.

iv. While there are allegations about certain intimate videos etc. having been made, yet, there is no evidence recovered by the Investigating Officer in that regard.

v. It also appears that photographs and videos recovered by the Investigating Officer are with regard to the present applicant having inflicted self harm to try and continue relationship with the complainant.

vi. While there are allegations of the applicant threatening the complainant to continue the relationship and whereas it would appear that the same is with regard to continuing relationship and whereas it does not appear that threats were in any manner seriously meted out.

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. No.11217020250553 of 2025 registered with 'B' Division Police Station, Patan City, District Patan, on executing a bond of Rs.25,000/- (Rupees Twenty Five 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] not enter Patan Town for a period of six months, except for the purpose of marking presence with the concerned Police Station.

[g] 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.