

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 3576 of 2026**

MANISHKUMAR SHIVLAL CHAUHAN
Versus
STATE OF GUJARAT

Appearance:

MR. MAHAMMADTOHID M. SINDHI(18283) for the Applicant(s) No. 1
MR.MINHAJ M SHAIKH(6847) for the Applicant(s) No. 1
MS.DILBUR CONTRACTOR(6388) for the Respondent(s) No. 1
MR J K SHAH, APP for the Respondent(s) No. 1

CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

**Date : 01/04/2026
ORAL ORDER**

1. Heard learned Advocate Mr. Minhaj M. Shaikh appearing on behalf of the applicant, learned Additional Public Prosecutor Mr. J.K. Shah appearing on behalf of the respondent-State and learned Advocate Ms. Dilbur Contractor appearing on behalf of the original complainant.

2. 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. 11188009251092 of 2025 registered with Modasa Town Police Station, District Aravalli, for the offence punishable under Sections 75(2) and 78(1) of the Bharatiya Nyaya Sanhita, 2023.

3. Learned Advocate Mr. Shaikh 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.

3.1 Learned Advocate Mr. Minhaj Shaikh on behalf of the applicant would further submit that while the allegation is that the applicant had ensured that the victim would fail in the subject in which the applicant was teaching, yet, as per the deposition of the complainant in the trial, it would appear that the present applicant was not teaching the victim at all. Learned Advocate would submit that as such, the complainant has turned hostile before the learned Trial Court and whereas she has resiled from her statement given before the Investigating Officer and whereas under such circumstances, this Court may consider and release the present applicant on regular bail.

4. 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.

4.1 Learned APP would draw the attention of this Court to the statement of the victim under Section 183 of the BNSS and whereas learned APP would submit that the victim has stood by her version as stated before the Investigating Officer.

4.2 Learned APP would further submit that as such, apart from the papers which were part of the charge-sheet, list of documents were also pressed in service before the learned Trial Court, more particularly the same having been submitted before the learned Trial Court on 11.02.2026.

4.3 From the above referred documents which were part of the D.E. List, learned APP would also draw the attention of this Court to an apology letter by the present applicant before the school management, more particularly whereby the present applicant has apologized for his behaviour with two students including the present victim, more particularly for having entered into inappropriate whats-app messages

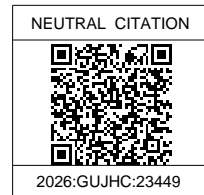


with the said students.

4.4 Learned APP would further submit that as such, considering that the present applicant has been arrested on 26.11.2025 and the trial being in progress, therefore, the present applicant cannot be heard to say that he has undergone long incarceration and that he may be released on bail pending the trial.

4.5 Learned APP would submit that having regard to the nature of allegations and fact that the trial has commenced, this Court may not release the present applicant at this stage and whereas this Court may in case think fit, may reserve liberty in favour of the applicant to approach this Court, in case the trial does not conclude within a stipulated period of time.

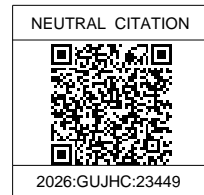
5. Submissions of learned APP Mr. Shah have been adopted by learned Advocate Ms. Contractor for the original complainant. Learned Advocate Ms. Contractor would vehemently contest the submissions made by learned Advocate Mr. Shaikh for the applicant that the complainant had turned hostile before the learned Trial Court. Learned Advocate would submit that as such, a perusal of the deposition of the



complainant would reveal that while the APP had requested that the complainant may be declared as hostile and permission was also sought for to cross-examine the complainant, yet, the hostile part is with regard to only a small part of the deposition and not the entire deposition itself. In any case, learned Advocate would submit that since the matter is at large before the learned Trial Court, this Court may not intervene and release the present applicant at this stage.

6. Having heard learned Advocates for the respective parties and having perused the documents on record as well as the charge-sheet papers including the statement of the victim under Section 183 of the BNSS, this Court is disinclined to consider this application for the following reasons.

- i. The offence being very serious inasmuch as, the applicant, a professor in a college, is alleged to have sought for sexual favours from the victim.
- ii. The fact of the allegations prima facie finding support in the charge-sheet papers, more particularly this Court has perused a document in the nature of an apology letter by the present applicant a day before his arrest i.e. on 25.11.2025 addressed to the principal of

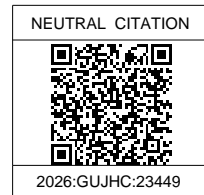


the college, more particularly wherein the applicant has sought for an apology for his inappropriate behaviour and also the inappropriate chats with the students including the present victim. It also appears that copy of the chats have been placed on record and whereas the chats clearly reflect inappropriate demands having been made by the present applicant to the victim.

iii. It also appears that the present applicant was pressurizing the victim to come to his chamber and pressurizing the victim to enter into a relationship with the applicant.

iv. It also appears that the present applicant was also pressurizing another students to come to his chamber and whereas the whats-app chats reflects that after a voice call made by the present applicant , the concerned student had blocked the mobile number of the present applicant.

v. This Court has also perused the statement of the prosecutrix/victim under Section 183 of the BNSS and whereas it would appear that the victim has clearly stood by her version, which had been originally recorded before the Investigating Officer, inasmuch as, that the present applicant had sought for inappropriate/sexual favours from the victim and whereas he had also touched the victim inappropriately.



vi. While learned Advocate Mr. Shaikh would heavily rely upon the deposition of the complainant i.e. mother of the victim, before the learned Trial Court, and would submit that the complainant has turned hostile, yet, perusing the statement of the complainant, prima facie, it does not appear that the complainant has turned hostile entirely, and whereas her version with regard to an incident which had taken place between 18.11.2025 to 24.11.2025 appears to be the part where the complainant may have resiled from her earlier version.

vii. Be that as it may, since the trial is at large before the learned Trial Court, this Court is of the opinion that any observations of this Court in that regard may adversely prejudice either the case of the applicant or the case of the prosecutrix and whereas under such circumstances, this Court refrains from observing anything upon the same.

viii. Having considered the above since it appears to this Court that the present applicant, being a professor of a college, had prima facie sought inappropriate sexual favours from the victim, who was his student and whereas since there appears to be enough material which has been collected by the Investigating Officer, in support of the allegation and also having regard to the fact that the present does not appear to be a case of delayed trial, rather it appears to be a case



of the machinery of the Court having moved efficiently and well within time, more particularly though the applicant was arrested on 26.11.2025 and whereas by now, the trial has commenced and even the complainant as noticed hereinabove has been examined on 09.03.2026. Thus, on merits as well as on the ground that the trial is not at all delayed, this Court is not inclined to exercise its discretion in favour of the applicant.

7. Having regard to the above position and also having regard to the law laid down by the Hon'ble Supreme Court in case of **X Vs. State of Rajasthan and Another, reported in 2024 SCC OnLine SC 3539**, more particularly since the present appears to be a case where releasing the present applicant at this stage when the trial is at large may result in adverse consequences, this Court is not inclined to consider this application. Hence, the same is rejected.

8. Furthermore, considering the submissions of learned APP, liberty is reserved in favour of the present applicant to approach this Court after a period of nine months, if the trial does not conclude till such time.

9. It is clarified that the above observations are clearly tentative in



nature and shall not influence the learned Trial Court in any manner whatsoever while conducting the trial.

BDSONGARA

(NIKHIL S. KARIEL,J)