



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 5161 of 2026

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SIDHDHANT @ SAMADHAN KEVALRAO JAGTAP
Versus
STATE OF GUJARAT

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Appearance:
MS PRIYANKA A GUPTA(12869) for the Applicant(s) No. 1
MR JK SHAH, ADDL. PUBLIC PROSECUTOR for the Respondent(s) No. 1

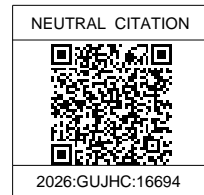
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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 03/03/2026

ORAL ORDER

1. Heard learned advocate Mr.Krunal G. Patel for learned advocate Ms.Priyanka Gupta appearing on behalf of the applicant and learned Additional Public Prosecutor Mr.J.K.Shah 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. 11192020250569/2025 registered with Dholka Town Police Station, Ahmedabad Rural for the offence punishable under Sections 137(2), 143(4), 61(2) of the BNS



and Sections 81, 87 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

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. Having heard learned advocates appearing on behalf of the respective parties and having perused the documents on



record including FIR and the charge-sheet papers as well as the affidavit of the Investigating Officer before the learned Sessions Court, which is a summary of the charge-sheet, this Court is not inclined to consider this application for the following reasons:-

- i. The fact of the allegation in the FIR being very serious inasmuch as the accused had conspired to abduct a child who is six months old and then to sell the child to a child-less couple that is to say that the accused is involved in trafficking of the child.
- ii. The fact of the applicant being involved in the offence in question more particularly it would appear that while the applicant was not part of the first offence i.e. when the child was abducted from the lawful custody of the parents, the applicant had played active role in the later part of the offence inasmuch as it would prima facie appear that after the child had been abducted, the accused who were involved in the abduction had contacted the present applicant asking him to find a buyer to sell the child in question and whereas, the present applicant had promised that the child could be sold for around one and a half lakh



rupees and had called the abductors along with the child to Aurangabad and the present applicant had also sent an amount of Rs.2,000/- through UPI to the abductors for facilitating their travel to Aurangabad.

iii. It would also appear that when the police party had reached the spot from where the child had been rescued, the present applicant was apprehended at the spot.

iv. It also appears that the Investigating Officer had recovered mobile phone of the present applicant and whereas, the photo of the child as well as the ticket for the other accused to travel to Aurangabad had also been recovered, also fortifying the allegation that the present applicant was involved in the offence in question.

v. Learned advocate would also rely upon an order passed by this Court dated 20.01.2026 in Criminal Misc. Application No.1366/2026 whereby this Court had released one of the co-accused and whereas, learned advocate would claim parity with the said accused and whereas, it would appear considering the said order that this Court had assigned very clear reasons as to why this Court was inclined to release the said applicant. Paragraph no.6(iii)



and 6(iv) of the said order being relevant for the said purpose, are reproduced hereinbelow for benefit:-

“(iii) The only allegation against the applicant being that the applicant had watched the area where the parents of the kidnapped child were residing to understand the reaction to the crime.

(iv) Prima facie it would appear that the present applicant was working on instruction of his wife and had no role to play independently in the offence in question.”

vi. From the above, it would be clear that the role attributed to the said applicant was of having watched the area where the parents of the kidnapped child were residing to understand the reaction of the parents after the crime has been committed and whereas this Court had also clearly noticed that the said applicant was working on the instruction of his wife who was one of the main conspirators and otherwise had no role to play independently in the offence in question.

vii. As against the same, as noted hereinabove, the present applicant was an active player in the entire offence, more particularly, the present applicant having talked to the wife of the applicant who had been released by this Court, who was the principal conspirator and whereas, it is the present



applicant who had informed the said accused as regards the approximately an amount of Rs.1,50,000/- being available for the child if she sold and whereas, the applicant also having sent money to the accused who had abducted the child, as noticed hereinabove, the role of the present applicant cannot be compared with the role attributed to the accused who had been considered for enlargement by this Court.

viii. Considering the above, to this Court, since it would appear that the offence being very serious and the role of the applicant being prima facie very clear, this Court is not inclined to consider this application.

7. Hence, the present application stands disposed of as rejected. Rule is discharged. Direct service is permitted.

Bhoomi

(NIKHIL S. KARIEL,J)