

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 17432 of 2026**

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AASHABEN MANSUKHBHAI HIRPARA (PATEL)
Versus
STATE OF GUJARAT

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Appearance:

MR ANKIT Y BACHANI(5424) for the Applicant(s) No. 1
MR HARDIK MEHTA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 31/07/2026

ORDER

[1.0] Mr. Hemant B. Raval, learned advocate states that he has instructions to appear for the original complainant and seeks permission to file his appearance. Registry to accept his vakalatnama.

[2.0] **RULE.** Learned APP waives service of rule for the respondent-State. Learned advocate appearing for original complainant waives service of rule on his behalf.

[3.0] The present application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") for regular bail in connection with FIR being **C.R. No.11210045260899 of 2026** registered with **Pandesara Police Station, Surat City** for the offences punishable under Sections 328, 384, 386, 388, 120(B), 34, 506(2), 504 and 114 of the Indian Penal Code, 1860 (for short "IPC").

[4.0] Learned advocate appearing on behalf of the applicant

submits that applicant is innocent and has been falsely implicated in the offence and now nothing is required to be recovered or discovered. He therefore submits that, considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

[5.0] Learned APP appearing on behalf of the respondent-State and learned advocate appearing for the original complainant opposed the present application and requested to dismiss the present application for regular bail looking to the nature and gravity of the offence.

[6.0] While granting bail, the Court has to consider the involvement of the accused in the alleged offence, the jurisdiction to grant bail has to be exercised on the basis of the well settled principles having regard to the facts and circumstances of each case and the following factors are to be taken into consideration while considering an application for bail: (i) the nature of accusation and the severity of the punishment and the nature of the materials relied upon by the prosecution; (ii) reasonable apprehension of tampering with the witnesses and threat to the complainant or the witnesses; (iii) reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence; (iv) character behaviour and standing of the accused and the circumstances which are peculiar to the accused; (v) larger interest of the public or the State and similar other considerations are required to be considered.

[7.0] I have heard the learned advocates appearing on behalf of the respective parties and perused the investigation papers. Following aspects have been considered:

- (1) The allegation is that the accused persons by hatching conspiracy shot nude video clip of the complainant and under the pretext of blackmailing the complainant by booking him in rape case extorted money in cash as well as movable and immovable properties from the complainant. In this regard, the complaint came to be filed. However, perusing the record, it appears that the complainant and accused persons were engaged in embroidery job work business and there was a financial transaction between the co-accused Dhaval and Jivan and in the year 2016-17, they owed Rs.1.70 Crore to the complainant and they left Surat City and in this connection, for the incident of year 2017, complaint is filed in the year 2026. It is further alleged that as a part of pre-planned conspiracy and to avoid outstanding amount which escalated to Rs.2.28 Crore due and payable to the complainant for embroidery job work, the accused persons called the complainant to Mumbai and made him drink intoxicated cold drink and thereafter the complainant was made to have sexual relationship with some unknown woman and the said act was shot in video clip and even photographs were clicked and thereafter, the complainant was blackmailed under the pretext of making viral said video and photographs and made him to part with the money and movable and immovable properties. It is further alleged that complainant has transferred the property in the name of other co-accused and applicant has received Rs.5.50 lakh in his bank account which is still lying in the said account and as per the case of prosecution, said account has already been freezed. It is also alleged that present applicant is main accused and used to administer

- threats to the complainant. Even otherwise, now the investigation is over and charge-sheet is filed;
- (2) None of the offence alleged is punishable with life sentence or death penalty;
 - (3) Applicant is a lady and behind the bars since **07/04/2026**;
 - (4) There is nothing to be recovered or discovered from the applicant;
 - (5) Though the applicant is having past antecedents, she is presumed to be innocent till proven guilty;
 - (6) Co-accused having similarly situated role are enlarged on regular bail and therefore, on the ground of parity also **(Rameshbhai Batubhai Dhabhi Vs. State of Gujarat reported in 2011 (3) GLR 1999)**, present application deserves consideration;
 - (7) Obviously commencement and conclusion of trial will take some time;

[8.0] This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra vs. Central Bureau of Investigation** reported in **[2012]1 SCC 40** as well as in the case of **Gudikanti Narasimhulu And Ors vs. Public Prosecutor, High Court of Andhra Pradesh** reported in **(1978)1 SCC 240**. Obviously, the conclusion of trial will take time and keeping the accused behind the bars is nothing but amounts to pre-trial conviction and therefore, considering the celebrated principle of bail jurisprudence is that "*bail is a rule and jail is exception*" as well as the concept of personal liberty guaranteed under Article 21 of the Constitution of India, present application deserves consideration.

[9.0] In the facts and circumstances of the case and considering

the nature of the allegations made against the applicant in the FIR, 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. Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with FIR being **C.R. No.11210045260899 of 2026** registered with **Pandesara Police Station, Surat City** on executing a personal 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 & shall not obstruct or hamper the police investigation and shall not to play mischief with the evidence collected or yet to be collected by the police;
- (c) surrender passport, if any, to the Trial Court within a week;
- (d) not leave the State of Gujarat without prior permission of the Trial Court concerned;
- (e) **mark presence before the concerned Police Station once in a month for a period of six months between 11.00 a.m. and 2.00 p.m.;**
- (f) furnish the copy of Aadhaar card, email ID/contact number / permanent and present address of his residence to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the **residence and contact number/SIM card** without prior permission of Trial Court;
- (g) not to indulge in any illegal activity failing which learned

trial Court shall issue warrant and cancel the bail of the applicant.

[10.0] 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 Judge concerned will be free to issue warrant or take appropriate action in the matter.

[11.0] 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.

[12.0] At the trial, the trial Court shall not be influenced by the observations of preliminary nature qua the evidence at this stage made by this Court while enlarging the applicant on bail.

[13.0] Rule is made absolute to the aforesaid extent. Direct service is permitted.

(HASMUKH D. SUTHAR,J)

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