

Received on	22/06/2026		
Registered on	22/06/2026		
Decided on	02/07/2026		
Duration	DD	MM	YY

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**IN THE COURT OF HON'BLE THE 6th
ADDITIONAL SESSIONS JUDGE, SURAT.**

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**CRI. MISC. APPLICATION No. 4567 of 2026
Exh. No.**

Sr. No.	Name of The Applicant	Age	Occupation
	Surajsingh Subodhsingh Rajput Resident of, Vill.- Bhagatiya, Thana-Kesariya, Motihari, Bihar. At present, Central Jail, Lajpor, Surat	Adult	Labour
V/s			
Sr. No.	Name of The Opponent	Age	Occupation
	The State of Gujarat Through District Government Pleader, Surat	-	-

Sub :- Application under the provisions of section 483 of The
BHARATIYA NAGARIK SURAKSHA SANHITA,
2023.

Appearance :-

Ld. Advocate for the applicant :- Mr. J. H. Panchal

Ld. A. P. P. for the opponent :- Mr. V. L. Faldu.

:- Judgment :-

1. The applicant has filed the present application under the provisions of section 483 of The Bharatiya Nagarik

Suraksha Sanhita, 2003 (herein after referred as "**The BNSS**" for short) inter – alia praying for the grant of regular bail in connection with the offense registered as C. R. No. I 96/2019, registered with Umara Police Station, Surat for the alleged commissions of the offenses punishable under sections 363, 366, 376(2)(N) of the Indian Penal Code, 1860 (herein after referred to as "**The IPC**" in short) and under the provisions of sections 4, 8 and 12 of The Protection of Children from Sexual Offenses Act, 2012 (hereinafter referred as "**The Act**" for short).

2. The Id. advocate for the applicant has made his oral submission. It is submitted that, the IO has completed his investigation and has filed charge sheet against the applicant, which is pending for further proceedings and therefore, this is the first bail application of the applicant accused after filing of charge sheet. He has submitted that, the applicant accused was arrested in connection with the aforesaid offense on 02/04/2026 and has been kept in judicial custody since thereafter. Further, the investigation has been over and charge sheet has been filed, which has been registered as Special POCSO Case No. 146/2026. The case of the complainant against the accused is nothing but a concoction. It is further submitted that, the applicant accused has not committed any criminal act as per the alleged offenses. The applicant accused has not molested the victim and kidnapped her, even the applicant accused has not abducted by any enticement to the victim and therefore, the facts of

the prosecution case is concocted. It is further submitted that, the applicant is innocent and has committed no offense and if, he be kept in custody, it will amount to pretrial conviction. Further, the applicant accused having no any criminal antecedents. He has further submitted that, the applicant is falsely implicated in this case. It is further submitted that, the applicant is having responsibility of his family and therefore, he will not flee from the justice and he will abide by the terms & conditions, which may be imposed by this court as this court deems fit. Therefore, it is prayed that, the applicant may be enlarged on regular bail subject to the suitable conditions.

3. The Id. APP for the State has made his oral submissions by reiterating the contentions raised in the affidavit filed by the IO vide exh. 5. **He has mainly submitted that, earlier the applicant had committed similar kind of offenses with the same victim and therefore, a case was registered against him in The State of Bihar. Thereafter, the victim and her parents have come to Surat for residence. Thereafter, the applicant accused had again committed similar offenses with the victim and therefore, the present case was registered against him. However, the accused could not be arrested. Thereafter, it has come to the knowledge of the Police Authority that, the applicant accused is in judicial custody in connection with offense registered with Kesariya Police Station no. 578 of 2023 in The State of Bihar and therefore, his custody was**

obtained in connection with this case in accordance with law. It is further submitted that, the applicant accused is having past criminal antecedents, wherein, he is involved in similar kind of offenses as well as for the offenses punishable under the provisions of section 304 (B), 323, 504, 34 of The IPC. Further, the applicant was well aware about the fact that, at the time of commission of offenses, the victim was below 17 years of age. Still however, the applicant accused had committed similar offenses against her and made her, mother of a child. It is also submitted that, during the course of investigation sufficient material have been found against him therefore, prima facie there appears strong case against applicant - accused. It is also submitted that, the applicant accused was not traceable 2019 to 2026 and therefore, if the accused is released on bail than chances of threatening to the victim can not be ruled out and thus, considering the nature of allegations leveled against the applicant, the present regular bail application of the applicant may be disallowed.

4. The de facto complainant has appeared before this Court and has filed affidavit vide Exh. 07 inter alia, praying to reject the bail application of the applicant.
5. I have gone through the contentions of the application filed by the applicant, affidavit filed by the I.O., submissions advanced by ld. advocate for the applicant as well as ld.

A.P.P. for the State and carefully gone through the police papers. I have also gone through the affidavit of the de facto complainant vide Exh. 07. It is imperative to note that, the accused is alleged to have committed the offense punishable under the provisions of The BNS and The Act as stated above.

It is also alleged against the accused that, earlier the applicant had committed similar kind of offenses with the same victim and therefore, a case was registered against him in The State of Bihar. Thereafter, the victim and her parents have come to Surat for residence. Thereafter, the applicant accused had again committed similar offenses with the victim and therefore, the present case was registered against him. However, the accused could not be arrested. Thereafter, it has come to the knowledge of the Police Authority that, the applicant accused is in judicial custody in connection with offense registered with Kesariya Police Station no. 578 of 2023 in The State of Bihar and therefore, his custody was obtained in connection with this case in accordance with law. It is further submitted that, the applicant accused is having past criminal antecedents, wherein, he is involved in similar kind of offenses as well as for the offenses punishable under the provisions of section 304 (B), 323, 504, 34 of The IPC. Further, the applicant was well aware about the fact that, at the time of commission of offenses, the victim was below 17 years of age. Still

however, the applicant accused had committed similar offenses against her and made her, mother of a child and therefore, has taken disadvantage of the situation.

I have also carefully gone through the papers made available. It transpired from the record that the applicant - accused alleged to have committed serious offense against the minor child and serious allegations are leveled against him and there appears prima facie case against him. It is alleged that, the accused had lured the victim and committed offense as aforesaid against the minor victim of crime and made her pregnant. Further, it is alleged that, the applicant was aware about the age of the victim, still, has committed the offense and therefore, there is prima facie case against the applicant. Further, the applicant accused is also having past criminal antecedents and at present, the evidence of the material witnesses have not been recorded and therefore, if the applicant is released on bail than chances of threatening them or hampering the course of justice or flee from justice can not be ruled out.

Further, filing of charge sheet, in the given facts and circumstances, further strengthen the case of the prosecution against the applicant accused.

Thus, from aforesaid discussions, at present stage, in the facts and circumstances of the case on hand, this court is of the view that, no case is made by the applicant accused

for exercise of discretionary power in his favour and therefore, at this stage, no case is made out to exercise the power vested u/s 483 of the BNSS and therefore, this court does not inclined to exercise its discretionary power in favour of the applicant and hence, in the interest of justice, following order is passed.

ORDER

The application filed by the applicant under the provisions of section 483 of The BNSS is hereby disallowed and rejected.

Order is passed and pronounced in Open Court on this 2nd Day of July, 2026.

Date :- 02/07/2026

Place :- Surat

Hiteshkumar Mukundray Vyas
6th Addl. District & Sessions Judge, Surat.
Judge Code No. GJ00834