



**IN THE COURT OF HON'BLE ADDITIONAL DISTRICT &
SESSIONS JUDGE, AHMEDABAD [RURAL] AT DHOLKA.**

Criminal Miscellaneous Application No.60 of 2026

Exh. _____

**Applicant/accused : JASKARANPRITSINGH @ JASSI
KARNELSINGH JAAT**
Age:23 years,
R/o Dateewal, Taluka-Nalagadh, District-
Solan, Himachal Pradesh.
Permanent Address:Beladhiyani, Taluka-Naya
Nangal, District-Rupnagar, Punjab.
(At present in Sabarmati Central Jail)

V e r s u s

Opponent 1: STATE OF GUJARAT
[Notice to be served through
the Office of the Public Prosecutor
District & Sessions Court at Dholka,
Ahmedabad]

**2: ILIYASBHAI RASULBHAI
BHOHARIYA(Org. Complainant)**
R/o Ruptgadh, Nr. Navi Masjid, Taluka-
Dholka, District-Ahmedabad.

**Subject: An Application for Regular Bail under the provisions of
Section 483 of the B.N.S.S., 2023 after filing of Charge Sheet.**

Appearances:-

Learned Advocate Mr. S.B. Prajapati for the Applicant-accused.

Learned Public Prosecutor Mr. J.C. Patel for the Opponent-State.

-:-O R D E R-:-

1. After filing of the charge-sheet, the applicant-accused has preferred the first application for regular bail under the provisions of Section 483 of B.N.S.S. in connection with FIR

being C. R. No.11192029250144/2025 registered with Koth Police Station for the offences punishable U/s 137(2), 64(2)(i), 64(2)(m), 75(2) & 54 of the Bharatiya Nyay Sanhita, 2023 and U/s 3(a), 4, 5(1), 6, 8, 9(1), 10, 12 & 17 of the POCSO Act, 2012.

2. On service of notice, the Ld. Public Prosecutor for the State Mr. J.C. Patel appeared before the Court and filed affidavit of the Investigating Officer at Exh.5, wherein, the Investigating Officer has submitted the at length facts of the offence and role attributed to the present applicant/accused in the commission of offence and further contended that present applicant/accused and co-accused No.1 has knew that the victim was merely 16 years 3 months 27 days and is a minor girl, despite, co-accused No.1 has enticed the minor victim/prosecutrix and in abetment of each other, co-accused No.1 has abducted/kidnapped the minor victim from the legal guardianship of the complainant and kept with him at Rajasthan, Punjab, Himchal Pradesh and co-accused No.1 has made illicit physical relations with the victim many times against her will and the present applicant/accused has provided the financial support as well as other aid to the co-accused No.1 and thereby, the present applicant/accused alongwith other co-accused has committed very serious offence and lastly prayed to reject the application.
3. Heard the Ld. Advocate for the applicant-accused and Ld. Public Prosecutor for the State on the facts and provisions of law.
4. The Ld. Advocate for the applicant has submitted at length facts of the alleged offence and vehemently argued that the present applicant is innocent and has not committed alleged offence. It

is further argued that there is no direct or indirect role of the present applicant in the alleged offence but complainant has falsely implicated the applicant in the alleged offence. It is further submitted that name of the applicant has not been mentioned in the FIR however, the applicant has been implicated in the alleged offence only on the statement of co-accused and therefore, applicant is not directly or indirectly connected to the alleged offence, hence, he is entitled for bail. It is mainly argued that in the present case, charge-sheet has been filed and the case is registered as POCSO Case No.2/2026 which is pending before this Hon'ble Court and therefore, there is no chance of tampering or hampering with the prosecution evidence and witnesses. The Ld. Advocate for the applicant has further argued on the principle of bail is rule and jail is an exception and further argued that the applicant is of very young age about 23 years and he is in jail from 17.12.2025 and if the present applicant may not be enlarged on bail, it would amount to pre-trial conviction. It is further submitted that applicant is of very young age and he doesn't have any criminal antecedents and he is in judicial custody since long time and therefore, if the applicant may not be enlarged on bail, his future may be spoiled. It is mainly argued that other co-accused of the present case has been enlarged on regular bail by this Hon'ble Court vide order passed in Cr.M.A. No.14/2026 dated 21.01.2026 and the role of the present applicant is similar to that co-accused, therefore, the applicant is also entitled for regular bail on the ground of parity. It is further submitted that applicant is residing with his family at the above address mentioned in the cause title and therefore, he is not likely to flee away from justice or

tamper/hamper with the prosecution witnesses and evidences. It is further argued that the applicant is ready and willing to abide by all the terms and conditions in the event of he is being enlarged on regular bail and with the above submissions, the Ld. Advocate for the applicant has prayed to allow the present application.

5. *Per-contra*, the Ld. Public Prosecutor for the State has strongly objected the present application and reiterated the facts of the affidavit filed by the IO and role attributed to the present applicant/accused in the commission of offence and vehemently argued that at the time of offence, the age of the victim was merely 16 years 3 months and the present applicant/accused knew that the victim is minor, however, with the aid of present applicant/accused, co-accused(No.1) has abducted/kidnapped the minor victim from the legal guardianship of the complainant and stayed with her at different cities and co-accused No.1 has committed illegal physical relation with the minor victim against her will/consent and the present applicant/accused has provided the financial support to the co-accused No.1 and thereby, present applicant/accused alongwith other co-accused have committed such serious offence. It is further submitted that as per the CCTV footage and other evidence collected by the IO, the present applicant/accused is directly involved in the present offence and therefore, if the present applicant/accused may be enlarged on bail, he is likely to tamper/hamper with the prosecution evidences and witnesses. It is further argued that though the charge-sheet has been filed in the present case but the present

applicant/accused is permanent resident of Punjab State i.e. out of State and though this is a bail application after filing of charge-sheet but if the applicant/accused may be enlarged on regular bail, there is every possibility to flee away from the justice and would not be available during the course of trial and therefore, the present application is required to be rejected. It is further argued that considering the gravity of offence and role attributed to the present applicant-accused in the offence as well as also considering the object of enacting the POCSO Act, the present application is required to be rejected as to set an example for the society.

6. I have gone through the application, affidavit filed by the I.O. and arguments advanced by the rival parties. Now, the present applicant-accused has sought for Regular Bail and while deciding the bail application, the Court has to see that whether there is any prima-facie case or reasonable ground to believe that the accused had committed the offence or not. The court has to further see the nature and gravity of accusation along with the severity of the punishment. Not only that the court has also to see the likelihood of the applicant-accused to flee away from the justice. Moreover, it is also required to be kept in mind about the reasonable apprehension of the witnesses being influenced.
7. Further, it appears that the applicant-accused is in jail from 17.12.2025. Moreover, it prima-facie appears that charge-sheet has been filed and the case is registered as POCSO Case No.2/2026 before this Court. Further, there is no justifiable reasons appeared from the affidavit filed by the investigating

officer for which the bail can be denied to the present applicant-accused. Moreover, it also appears that the present applicant-accused doesn't have any criminal antecedents and his presence can easily be available as and when required by imposing stringent conditions.

8. Having regard to the contentions raised by the rival parties, it is pertinent to note that the Judgment reported in the case of Sanjay Chandra Vs. CBI [2012] 1 SCC 40, wherein, the Hon'ble Supreme Court has observed that the provision of Cr.P.C. confer discretionary jurisdiction on criminal courts to grant bail to the accused pending trial or in appeal against conviction; since the jurisdiction is discretionary, it has to be exercised with great care and caution by balancing the valuable right of liberty of an individual and the interest of the society in general. It is further observed that it transcends respect for the requirement that a man shall be considered innocent until he is found guilty. If such power is recognized, then it may lead to chaotic situation and would jeopardize the personal liberty of an individual.
9. Now, so far as the allegation leveled against the present applicant-accused is that the present applicant-accused alongwith other co-accused(accused No.1) have abetted each other and thereby co-accused No.1 has abducted/kidnapped the victim and co-accused No.1 has committed illegal act of physical relation upon the minor victim repeatedly and the present applicant/accused has provided the financial support to the main accused and thereby, the present applicant-accused is involved with the main accused in the commission of alleged offence. But, considering the above facts, prima-facie it appears

that the role of the present applicant-accused is providing financial support to the accused No.1(main accused) but it is a matter of an evidence as to whether the present applicant-accused had intentionally provided the financial support to accused No.1 with abetment of other co-accused or not? Moreover, other co-accused has been enlarged on regular bail by this Court vide order dated 21.01.2026 passed in Cr.M.A. No.14/2026 and this fact is required to be considered and looking to the role of the present applicant/accused is similar to the co-accused who has been enlarged on regular bail by this Court and this fact is also required to be considered. Moreover, it prima-facie appears that the accused No.1(i.e. co-accused) is the main role player in the present offence.

10. Considering the ratio laid down by the Hon'ble Apex Court in case of **Sanjay Chandra(supra) and other judgments of the Hon'ble Apex Court** and looking to the gravity and nature of the accusation made against the present applicant-accused as well as while balancing personal liberty and society's interest, it reveals that the personal liberty of the present applicant-accused is required to be protected against the interest of the society. Further, the applicant/accused is in judicial custody since 17.12.2025. Thus, considering the principle that bail is rule and jail is exception and pursuant to the allegations leveled against the present applicant-accused, if liberty is curtailed with heavy conditions, in that case, the pre-trial punishment can be prevented. Considering all these facts and circumstances, this is a fit case to exercise discretionary power vested u/s. 483 of B.N.S.S., 2023 in favour of the present applicant-accused.

Hence, in the interest of justice, following order is passed.

-:-O R D E R-:-

- The present **Criminal Misc. Application No.60 of 2026**, for regular bail is hereby **allowed**.
- The applicant/accused-**JASKARANPRITSINGH @ JASSI KARNELSINGH JAAT** is hereby ordered to be released on regular bail in connection with FIR being **C. R. No.11192029250144/2025** registered with **Koth** Police Station for the offences punishable U/s **137(2), 64(2)(i), 64(2)(m), 75(2) & 54 of the Bharatiya Nyay Sanhita, 2023** and U/s **3(a), 4, 5(l), 6, 8, 9(l), 10, 12 & 17 of the POCSO Act, 2012** on furnishing surety of **Rs.15,000/- (Rupees Fifteen Thousand Only)** along with **personal bond** of like amount with the concerned Authority subject to following terms and conditions that:-
 - 1) The applicant-accused shall not take undue advantage of liberty or misuse liberty;
 - 2) The applicant-accused shall not act in a manner injurious to the interest of the prosecution.
 - 3) The applicant-accused shall surrender his passport, if any (if not already surrendered), and in case, the applicant is not holder of the same, the applicant shall swear to an affidavit. If the applicant has already surrendered it before the I.O, the applicant-accused shall file an affidavit to that effect.
 - 4) The applicant-accused **shall not leave the territory of India** without prior permission of the concerned Court.
 - 5) The applicant-accused shall not involve himself, in any kind of offence.

- 6) The applicant-accused shall furnish latest and permanent 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 without prior permission of this Court.
 - 7) The applicant-accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts or the case so as to dissuade him to disclose such facts to the Court or to any other authority.
 - 8) After filing of the charge-sheet against him, the applicant-accused shall remain present before the Court on the dates fixed for hearing of the case. If the applicant want to remain absent, then the applicant shall take prior permission of the court and in case of unavoidable circumstances for remaining absent, the applicant shall immediately give intimation to the trial court.
- The I.O. reserve liberty to make an appropriate application for modification/recalling the order passed by this court, if for any reason, the applicant violate any of the conditions imposed by this Court.
- Bail bond be furnished before the Court concerned court and Yadi be sent accordingly to the concerned authority.

Signed & Pronounced in the open Court on this 20th day of March, 2026.

Date :20 /03/2026.
Place:Ahmedabad.
P.D. Mishra

[Naresh Girikant Dave]
Additional District & Sessions Judge,
Ahmedabad (Rural) at Dholka.
(UIC No.GJ00467.)