



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

Criminal Miscellaneous Application No.61/2026

Exh._____

Applicant/accused : Shridhar Anjaya Momendichetty
R/o: House No.3-4-14, Sumitranagar, Nr.
Shree Kanka Durga Temple, Kukalpalli
area, Hyderabad, G. Ranga Reddy,
Telangana.
(At present in Sabarmati Central Jail)

V e r s u s

Opponent : The State of Gujarat
[Notice to be served through
the Office of the Public Prosecutor
District & Sessions Court at Dholka,
Ahmedabad].

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

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Appearances:-

Learned Advocate Mr. K.N. Jadav for the Applicant-accused.

Learned AGP Mr. J.C. Patel, for the Opponent-State.

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-:-O R D E R:-:-

1. After filing of the charge-sheet, the applicant-accused has preferred this second application for regular bail under the provisions of Section 483 of B.N.S.S., 2023 in connection with FIR being **C. R. No.11192020250569/2025** registered with **Dholka Town** Police Station for the offences punishable U/s **137(2), 143(4) & 61(2) of the Bharatiya Nyay Sanhita, 2023** r/w

Section 81 & 87 of the Juvenile Justice Act.

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 alleged offence and role attributed to the present applicant-accused in the commission of alleged offence and prayed to reject the application of the applicant/accused.
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 applicant is innocent and he has not committed any offence as alleged in the F.I.R. It is further argued that there is no direct or indirect role of the present applicant in the alleged offence but he has been arrested only on the statement of co-accused. It is mainly argued that in the present case, the investigation has already been concluded, the charge-sheet has been filed before the Hon'ble Court and the case is registered as CC No.5165/2025 and therefore, there is no chance of hampering or tampering with the prosecution witnesses and evidences. It is further submitted that the applicant is in judicial custody from 01.09.2025 after completion of remand period. There is no criminal antecedents of the applicant. It is mainly argued that other co-accused namely Mahesh has been enlarged on regular bail by the Hon'ble High Court of Gujarat vide order dated 20.01.2026 in R/Cr.M.A. No.1366/2026 and therefore, looking

to the role of the present applicant is similar to that co-accused and therefore, the present applicant is also entitled for regular bail on the ground of parity. The Ld. Advocate for the applicant has placed heavily reliance upon the ratio laid down by the Hon'ble Apex Court and Hon'ble High Courts and argued on the principle of bail is rule and jail is an exception. It is further submitted that the applicant is the permanent resident of the address mentioned in the cause title and he is having deep root in the society and the applicant is in judicial custody since 01.09.2025 therefore, if the present applicant may not be enlarged on bail, it would amount to pre-trial conviction. It is further argued that the applicant 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 she is being enlarged on bail and with the above submissions, the Ld. Advocate for the applicant has prayed to allow the present application.

5. *Per-contra*, the Ld. AGP for the State has strongly objected the present application and reiterated the facts of the affidavit filed by the I.O. at Exh.5 and role attributed to the present applicant-accused in the commission of alleged offence and vehemently argued that present applicant/accused alongwith other co-accused persons have hatched a criminal conspiracy and for their monetary benefit, co-accused have kidnapped a minor girl child in sleeping condition from the legal guardianship of the complainant and thereafter, co-accused have taken the victim at her home and arranged the milk bottle for her feed and

thereafter, other co-accused have contacted to present applicant/accused and present applicant/accused has fixed the sell amount of child as Rs.2 lakh and thereafter, present applicant/accused has contacted to other co-accused and fixed the sell price of minor child Rs.2.5 lakh and thereafter by contacting to present applicant/accused, other co-accused persons have reached at Aurangabad by travelling in Volvo bus alongwith victim/minor girl child thereafter, present applicant/accused contacted to other co-accused but meantime, other co-accused persons alongwith minor child have been caught hold raid handed and thereby, for the monetary benefit, the applicant/accused is involved in very serious offence of trafficking of a minor child and thereby, present applicant/accused has committed such serious offence. The Ld. AGP has mainly argued that applicant/accused is a habitual offender as during the course of investigation, it has come on record that before present incident, present applicant/accused has sold other six minor children except the present minor child by contacting other co-accused persons and therefore, all the accused persons are connected to each other through cellphone and involved in such a serious offence of human trafficking of minor child. It is mainly argued by the Ld. P.P. for the State, applicant/accused is involved other human trafficking through the co-accused and thereafter, sold to other persons with the help of other co-accused persons and therefore, the present applicant/accused is involved in human trafficking of minor child to get the monetary benefit. It is further submitted that this is second successive bail application of the applicant-accused and his previous bail application was rejected by this Hon'ble

court and at present applicant/accused has again filed the present application therefore, though this bail application is after filing of the charge-sheet, but the applicant-accused is not entitled to get the regular bail as prayed for. It is further argued that considering the role attributed to the present applicant-accused, prima-facie case is made out against the present applicant-accused and therefore, considering the seriousness and gravity offence, the present bail application is required to be rejected.

6. I have gone through the application, Charge-Sheet Papers, affidavit filed by the I.O. and arguments advanced by both the sides. It prima-facie appears from the record that the present applicant-accused has been charge-sheeted for above mentioned offences and the case is registered as CC No.5165/2025 and the allegations leveled against the present applicant-accused are in serious in nature and this fact is required to be considered.
7. After filing of the charge sheet, the applicant-accused has preferred the second time(successive) bail application under the provision of Section 483 of B.N.S.S., 2023. On plain reading of the provision of the said section, it is judicial discretion of the Court to grant or refuse the regular bail.
8. Now, so far as the successive bail application is concerned, in the following judgment the Hon'ble Apex Court has held that if the charge-sheet has been filed against the accused then accused cannot be released on bail. But, accused can file discharge application before Ld. JMFC/Sessions Court. In case of **State of Maharastra V/s Ritesh S/O Vasudeo Wanjar reported in 2001 (2) Crimes 30 (SC)** wherein it is held that:-

IMPORTANT POINT

Where final charge-sheet has been filed Court cannot grant bail to accused on ground of innocence or non-involvement. For this better course is to apply for discharge under Ch.XVIII of Cr.P.C. instead of granting bail under Section 439 Cr.P.C.

Para-6. Once the final charge-sheet has been filed in the trial Court, the High Court, under the normal circumstances, should have permitted the respondent to get a verdict of his innocence or involvement from that Court under Chapter XVIII of the Code of Criminal Procedure. No exceptional ground has been made out, in the instant case, to depart from such a usual established procedure. The order impugned being contrary to law is liable to be set aside.

9. The principle laid down in the above referred judgment of Hon'ble Apex Court squarely covers the case on hand. As per this binding judgment of Hon'ble Apex Court in the humble opinion of this court, as the charge-sheet has been filed against the accused, this court cannot exercise the discretion in favour of the accused.
10. Looking from different angle, I have considered the rival submissions. Admittedly, this is a successive bail application as previous bail applications being Cr. M. A. No.518/2025 preferred by the present applicant/accused, which came to be rejected by this court vide order dated 20.12.2025 and this fact is required to be considered. Now, by preferring the present successive bail application, Ld. Advocate for the applicant-accused, once again attempted to raise the same contentions, which were raised on previous occasions. It is true that successive bail applications are permissible under the change of circumstances. But, at the same time, the change in circumstance should be "substantive" and not mere "cosmetic change" or "peripheral change" in the erstwhile circumstances, and that the change ought to be such which would have direct impact on the previous decision. Once the application was

rejected earlier, there is no question of granting a similar prayer. That is virtually overruling the earlier decision passed by this Court and would amount to reviewing the previous order, which is not at all permissible under Criminal Law.

11. In view of the above ruling coupled with the facts herein this application, it does not fall even in the category of “application preferred on account of change in circumstances”. Further, it prima-facie appears from the records, charge-sheet papers and affidavit of I.O. that present applicant/accused is involved alongwith other co-accused persons in the human trafficking as earlier, the present applicant/accused is involved in selling 6 other minor children through other co-accused persons and sold out to other persons for gaining financial benefit and this fact is required to be considered. The Ld. advocate for the accused has argued that other co-accused have been enlarged on regular bail by the Hon’ble High Court of Gujarat and the role of the present applicant is similar to that co-accused, hence, he is entitled for parity but the arguments advanced by the Ld. advocate for the accused is not applicable because looking to the role of the present applicant is different and as per the affidavit of the IO, co-accused-Sidhdhant has fixed the price of minor girl as Rs.2 lakh to the present applicant/accused and present applicant/accused has fixed the price of minor girl as Rs.2.50 lakh to other co-accused, therefore, considering the above facts & circumstance, it prima-facie appears that the offence is a very serious and the role of the applicant being prima-facie very clear and therefore, parity is not applicable and this fact is required to be considered. Moreover, in the present

case, the charge-sheet has been filed and therefore, the presence of the applicant/accused is utmost necessary during the course of trial. Further, day-in and day-out in society, the kidnapping and trafficking of minor child for gaining financial benefit is increasing and it also appears from the police papers that prima-facie involvement of the present applicant-accused is there in the alleged offence and in such kind of serious offence of human trafficking of a minor child, if the present applicant-accused may be enlarged on bail, it will send wrong message to the society. Therefore, considering the seriousness and gravity of offence as well as role attributed to the present applicant-accused in the commission of alleged offence, in my opinion, there is sufficient material, which prima-facie establishes the ingredients of the offences involved herein, which has been dealt with appropriately in the previous bail applications. So, looking to the gravity of offence, there are no grounds which emerge as would entitle the applicant to the relief as sought for and therefore, in the circumstances and in the context of all such materials, without any further discussion, I pass the following order in the interest of justice.

:-ORDER:-

- The present **Criminal Misc. Application No.61 of 2026**, is hereby **rejected**.

Signed & Pronounced in the open Court on this 23 day of March, 2026.

Date :23/03/2026.
Place:Ahmedabad.
P.D. Mishra

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