



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

Criminal Miscellaneous Application No.66/2026

Exh._____

**Applicant/accused : Manisha W/o Maheshbhai Govindbhai
Solanki**

Age:29 years, Occup:Labour work,
Address at:Post-Rohitvas, Asamali, Taluka-
Matar, District-Kheda.

Present R/o:Anand Nagar Society, Ranoda
Road, Taluka-Dholka, District-Ahmedabad.
(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.**

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Appearances:-

Learned Advocate Mr. K.G. Patel 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 first 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 lady and she 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 further submitted that at the time of occurrence, the applicant was not present at the scene of offence and there is no eye-witness to prove that the applicant had kidnapped any child and therefore, the applicant is entitled for regular bail. It is further submitted that no any incriminating material has been recovered or discovered from the possession of the applicant and the applicant has not kidnapped the minor and he has not taken any beneficiary. It is mainly argued that there is no recovery or discovery is pending from the applicant and 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 and therefore, there is no need to keep the applicant in judicial custody and hence, applicant is entitled for regular bail. 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. It is further submitted that the applicant is a lady and she was arrested on dated 02.08.2025 and after completion of police remand, applicant was sent in judicial custody since then, the applicant is in judicial custody. The Ld. advocate for the applicant has relied upon Section 480 of the BNSS, 2023 and submitted that when bail may be taken in case of non-bailable offence, if such person is under the age of sixteen years or is a woman or is sick or infirm, they may be released on the regular bail, therefore, looking said section, being a lady, the applicant is entitled for regular bail. 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 and the applicant is in judicial custody since 02.08.2025 therefore, if the present applicant may not be enlarged on bail, it would amount to pre-trial conviction. It is further submitted that applicant doesn't have any criminal antecedents and therefore, if the applicant may not be enlarged on bail, she is likely to come into contact with other criminal persons who are in jail so, her future may be

spoiled. It is further argued that the applicant is permanent residents of address mentioned in the cause title and therefore, she 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, present applicant/accused alongwith other accused has kidnapped a minor girl child in sleeping condition from the legal guardianship of the complainant and thereafter, present applicant/accused has gone at the other co-accused's(accused No.2-Binal) home and present applicant/accused has called her husband(other co-accused) and arranged the milk bottle for her feed and thereafter, present applicant/accused alongwith other accused came at Sarkhej in a rickshaw and from there, present applicant/accused and other accused have reached at Narol via Cab and stayed in Jay Balaji hotel with minor child and thereafter, other co-accused have also came there and with the aid of each other, present applicant/accused has contacted to co-accused-Sidhdhant through cellphone and present applicant/accused has fixed the

sell amount of child and thereafter other co-accused have contacted to each other and fixed the sell price of minor child and thereafter by contacting to other accused, present applicant/accused alongwith two other co-accused persons have reached at Aurangabad by travelling in Volvo bus alongwith victim/minor girl child and from there, present applicant/accused alongwith other accused were likely to go Cherapalli from Aurangabad but meanwhile, present applicant/accused alongwith 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 though this bail application is after filing of the charge-sheet but the applicant/accused is involved in a very serious crime and if the applicant/accused may be enlarged

on bail, there is every possibility to flee away from the justice and will not be available during the course of trial and therefore, 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 of 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. 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 Maharashtra V/s Ritesh S/O Vasudeo Wanjar reported in 2001 (2) Crimes 30 (SC)** wherein it is held that:-

“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.”

8. 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.
9. Looking from different angle, I have considered the rival submissions. 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, she is entitled for parity but the arguments advanced by the Ld. advocate for the accused is not applicable because, it prima-facie appears from the record that the present applicant/accused is the main role player and from the starting point, the present applicant/accused has played main role in kidnapping the minor child and thereafter, contacted to other co-accused to sell the child, 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.

Further, the Ld. advocate for the applicant/accused has relied upon the section 480 of the BNSS, 2023 and argued that being a lady, applicant is entitled for regular bail but prima-facie it appears that the applicant/accused is involved in a very serious offence of child human trafficking and each and every facts of the case are different, therefore, the arguments advanced by the Ld. advocate for the applicant/accused is not applicable to the present applicant/accused. Further, prima-facie the involvement of the present applicant-accused in the alleged offence and hence, charge-sheet has been filed against the present applicant-accused and therefore, this fact is required to be considered. Moreover, 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. Therefore, in the circumstances and in the context of all such materials, this is not a fit case to exercise judicial discretion vested U/s 483 of B.N.S.S. 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.66 of 2026**, is hereby **rejected**.

Signed & Pronounced in the open Court on this 24th day of March, 2026.

Date :24/03/2026.
Place:Ahmedabad.
P.D. Mishra

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