



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

Criminal Miscellaneous Application No.73 of 2026

Exh. _____

Applicant/ : **Kishan Baldevbhai Raval**
accused Age:19 years, Occup:Labour Work,
R/o Nanodara Gam, Ravlavas,
Taluka-Bavla, Ahmedabad.
(At present in judicial custody)

V E R S U S

Opponents : **The State of Gujarat**
[Notice to be served through the office
of the Public Prosecutor, District Court
Dholka, Ahmedabad]

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

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PRESENT:

Learned Advocate Mr. V.M. Gohel for the Applicant-accused.

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

Ld. Advocate Mr. P.M. Parmar for the complainant.

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:: 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., 2023 in connection with **FIR being C. R. No.11192006250255/2025** registered with **Kerala GIDC** Police Station for the offences punishable U/s **137(2), 87, 64(2)(m)** of the Bharatiya Nyay Sanhita, 2023 and U/s **4, 5(1) & 6** 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. It is contended that applicant/accused knew that the victim is minor merely aged about 17 years 2 months, however, the applicant has enticed the minor victim and abducted/kidnapped the victim from the legal guardianship of the complainant with intention to get marry with her and applicant/accused has kept the victim/prosecutrix at Sachin GIDC, Surat and frequently did the illegal act of physical intercourse many times and due to illegal act of applicant/accused, victim/prosecutrix became pregnant of two months and thereby committed the serious offence and lastly 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 with the Ld. advocate for the complainant on the facts and provisions of law.
4. The Ld. Advocate for the applicant submitted at length facts of the alleged offence and vehemently argued that the applicant is innocent person and applicant 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 complainant has falsely implicated the applicant in the alleged FIR. It is further argued that applicant has not committed any illegal act with the victim but the complainant has filed the complaint only on concocted story, therefore, the applicant is

entitled for regular bail. It is further submitted that the incident took place on dated 13.10.2025 and the complainant was well aware that the victim/prosecutrix and accused were together, however, FIR has been filed after 13 days of the incident without any satisfactor explanation which shows that the complainant created a concocted story and falsely implicated the applicant in the alleged offence, hence, the applicant is entitled for bail. It is further submitted that as per the statement of the victim/prosecutrix recorded before the police officials, victim/prosecutrix and applicant both were fallen in love and they wanted to get marry but the parents of the victim were not ready and therefore, victim had voluntarily left her parental home to accompany to the applicant and therefore, the applicant has not abducted/kidnapped the victim/prosecutrix and looking to the age of the victim, she was likely to complete her age of 18 years and she was connected with the applicant in love relationship and while, victim voluntarily accompanied with the applicant, there is no case made out against the applicant with regard to abduction as well as illegal act of physical intercourse and therefore, the applicant is entitled for regular bail. It is mainly argued that in the present case, the investigation has already been concluded and the charge-sheet has been filed and the case has been registered as POCSO Case No.1/2026, therefore, there is no chance to tamper and/or hamper with the prosecution witnesses and evidences. The Ld. Advocate for the applicant has placed heavily reliance upon the judgment of the Hon'ble Apex Court **Sanjay Chandra Vs. CBI, 2012(1) SCC 40** and the judgments of Hon'ble High Courts and argued on the

principle of bail is rule and jail is an exception and if the 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 26.11.2025 and therefore, if the applicant may not be enlarged on bail, his future may be spoiled. It is further submitted that applicant is the only bread earning member of his family and if the applicant may not be enlarged on bail, his family would face grave hardships. It is further argued that the applicant is permanent residents of address mentioned in the cause title and therefore, he is not likely to flee away from justice. 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 bail and with the above submissions, the Ld. Advocate for the applicant-accused has prayed to allow the present application. It is further submitted that the victim and applicant were connected to each other with committed love relationship with intent to marry with each other and therefore, the applicant has not committed any illegal act with the victim/prosecutrix without her consent. In support of his arguments, the Ld. advocate for the applicant has relied upon the judgment of the Hon'ble High Court of Rajasthan bench at Jaipur in case of **Aryan S/o Parshuram Vs. State of Rajasthan and others**, S.B. Criminal Misc. (Petition) No.88/2026 dated 12.01.2026 and further argued that considering the principles laid down by the Hon'ble High Court, the applicant is also entitled for regular bail and lastly 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 I.O. and role attributed to the present applicant-accused in the commission of offence and vehemently argued that in the present case victim was merely aged about 17 years 2 months, however, the applicant/accused has abducted/kidnapped with the victim/prosecutrix and kept with him at Surat city and did the illegal act with the minor victim and due to the illegal act of applicant/accused, victim/prosecutrix became two months pregnant and by the order of this Hon'ble Court, victim got termination of her pregnancy and thereby, present applicant/accused has committed such heinous and serious offence. It is further submitted that applicant/accused, victim/prosecutrix and complainant are residing in the adjacent village and if the applicant/accused may be enlarged on bail, he is likely to put in danger to the victim/prosecutrix as well as he is likely to tamper/hamper with the prosecution witnesses and evidence. Further, the applicant/accused has committed very serious offence and though this bail application is after filing of the charge-sheet, but if the applicant-accused may be enlarged on bail, he is likely to flee away from the justice and he will not be available during the course of trial. Therefore, 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. The original complainant has appeared through her Ld. advocate and filed her written objection vide Exh.7, whereby, the complainant has strongly objected the present application. The complainant in her written objection stated at length facts of the offence and role attributed to the present applicant-accused. It is further submitted that applicant/accused is prima-facie directly involved in the offence and applicant/accused has committed very serious nature of offence. It is further contended that the applicant/accused has enticed the minor victim and given false promise to marry with her and frequently did the physical intercourse with her and due to illegal act of applicant/accused, victim became pregnant about 2 months and therefore, the applicant/accused has committed very heinous crime with the victim. It is further contended that applicant/accused belongs to very rich family and through his relatives, applicant/accused is trying to compromise the matter and therefore, if the applicant/accused may be enlarged on bail, he is likely to tamper/hamper with the prosecution witnesses and evidences and lastly urged to reject the present application.
7. I have gone through the application, Charge Sheet Papers, affidavit filed by the I.O., written objection and arguments advanced by both the sides. It appears from the record that the present applicant-accused has been charge-sheeted for the above mentioned offences and the case is registered as POCSO Case No.1/2026 before this Court and the allegations leveled against the present applicant-accused are in serious in nature and this fact is required to be considered.

8. 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.”

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. It also appears from the record that at the time of alleged incident, the age of the victim was approximately 17 years 2 months. Further, prima-facie it appears from the record that due to the illegal act of accused, victim/prosecutrix became pregnant of two months and one application for the termination of pregnancy has been submitted by the legal guardian of victim before this Court and order has been passed by this Court to call the detailed report and health condition of the victim and necessary direction has been given to the concerned PI.

Considering the documents and medical papers came on record, it evidents that the abortion of the victim/prosecutrix has been conducted with the consent of victim/prosecutrix at Sola Civil Hospital, Ahmedabad and DNA samples had collected and victim/prosecutrix was discharged from the hospital. Therefore, considering the facts and circumstances of the subject matter as well as considering the nature and seriousness of the offence, prima-facie appears that due to the illegal act of applicant, victim/prosecutrix became pregnant and if the present applicant may be enlarged on bail, it will send wrong message to the society.

11. It also appears from records that the charge-sheet has been filed against the applicant-accused and the trial of the case is likely to commence and during the course of trial the presence of the accused is utmost necessary and this fact is required to be considered. Further, the Ld. advocate for the applicant/accused has relied upon the judgments of the Hon'ble Apex Court in case of **Sanjay Chandra(supra)** and the Hon'ble High Court of Rajasthan in case of **Aryan S/o Parshuram(supra)** but the considering the principles laid down by the Hon'ble Apex Court and the Hon'ble High Court of Rajasthan, facts of the present case are different and it is a matter of trial therefore, it is not applicable to the present case and this fact is required to be considered. Moreover, the POCSO Act is enacted with a laudable object to protect the minor girl/boy child from sexual harassment so, considering the nature of offence, 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 offence, this is not a fit case to exercise judicial discretion in favour of the present applicant-accused. Hence, in the interest of justice, following order is passed:

:-O R D E R:-

- The present **Cri. Misc. Application No.73 of 2026** for regular bail is hereby **rejected**.

Signed & Pronounced in the open Court on this 30th day of April, 2026.

Date :30/04/2026.
Place:Ahmedabad.
P.D.Mishra

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