

GJAN010022092026 	Received On	30.06.2026		
	Registered On	30.06.2026		
	Decided On	06.07.2026		
	Duration	Years	Month	Days
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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE &
SPECIAL JUDGE POCSO, ANAND.**

Criminal Misc. Application No. 739 of 2026

Exh. No. ____.

Applicant: Aniruddhsinh Bhupendrasinh Gohil
Age: 22 years, Occupation: Private Job
Resident At: Mangalpura Sim Vistar, Kathol,
Ta: Borsad, Dist: Anand.

Versus

Opponents : The State of Gujarat.

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Application u/s. 483 of B.N.S.S. for Regular Bail.

APPEARANCE:

Ld. Advocate for the Applicant: Mr. Z.A. Malek
Ld. A.P. P. for the Opponent-State: Ms. V.B. Mahida

:: J U D G M E N T ::

1. The present application is preferred by the applicant/accused person under section 483 of the B.N.S.S. for releasing him on

regular bail.

2. The factual matrix of the present application are such that one complaint is lodged before the Bhadaran Police Station vide F.I.R. No. 11215004260140/2026 for the offences punishable under Sections 137(2), 87, 64(2)(m) of B.N.S. and Section 6 and 18 of Protection of Children from Sexual Offences Act and for the said offences present applicant/accused was arrested on 16.01.2026 and produced before this Court on 17.01.2026 and since, he is in judicial custody. Therefore, the applicant/accused has preferred this bail application before this Court. The applicant has narrated brief facts of the complaint and also specified the grounds for his entitlement for regular bail as per the bail application.
3. On service of notice of the present application Ld. A. P. P. Ms. V. B. Mahida appeared for the State and Investigating Officer has filed his affidavit and also submitted case papers.
4. Ld. Advocate, Mr. Z. A. Malek appeared on behalf of the applicant/accused has advanced his oral arguments and submitted that:
 - i. The FIR came to be lodged with Bhadaran Police Station vide F.I.R. No. 11215004260140/2026 for the offences punishable under Sections 137(2), 87, 64(2)(m) of B.N.S. and Section 6 and 18 of Protection of Children from Sexual Offences Act and for the said offences present applicant/accused was arrested on 26.06.2026 and produced before this Court and since then, he is in judicial custody and therefore, he has moved the present

- ii. Ld. Advocate Mr. Malek has contended that, on a plain reading of the First Information Report, it is evident that the complaint has been lodged after an inordinate delay. Moreover, the complainant has not offered any explanation in the FIR for such delay in lodging the complaint. The complaint against the applicant/accused has been filed merely on the basis of suspicion. The applicant has not committed any offence as alleged in the complaint. Prior to the registration of the present FIR, a Janva Jog (preliminary information) had been recorded at Bhadaran Police Station in respect of the alleged incident. However, the statements recorded during the said proceedings have not been made part of the present case. Thus, the present complaint has been falsely lodged against the applicant/accused due to personal animosity and mala fide intention.
- iii. It is further submitted that, as per the Matriculation Certificate as well as the School Leaving Certificate of the victim, her date of birth is recorded as 12.04.2008. Thus, on the date of registration of the present complaint, the victim had already attained the age of majority and the victim was not a minor on the date of lodging of the FIR and, therefore, prima facie, the provisions of the Protection of Children from Sexual Offences Act, 2012 are not attracted to the facts of the present case. Despite this, the present false complaint has been registered against the applicant/accused. It is further submitted that no previous criminal case has ever been registered against

the applicant/accused, nor has he ever been convicted or sentenced for any offence.

- iv. He has further contended that, the victim and the applicant/accused are in love affair for last considerable time and they used to talk with each other and also frequently meet with each other by their consent and free will. The family members of the victim came to know about the love affair of the applicant and victim and they did not like the applicant/accused and therefore, they have filed the present complaint on the basis of false and fabricated story with a malafide intention to harass the applicant/accused. The applicant/accused has not abducted the victim and he is not made any forceful sexual intercourse with the victim, so no prima-facie case is made out against the applicant/accused.
- v. Ld. Advocate Mr. Malek has strongly argued that as per the settled principles of law laid down by the Hon'ble Supreme Court in the case of **Sanjay Chandra Vs. CBI** and many other decisions, bail is rule and jail is an exception and right of personal liberty of the accused must be protected.
- vi. Ld. Advocate Mr. Malek has further submitted that, the accused has cooperated in the investigation and at present most of the investigation is completed and medical examination of the applicant and victim are done, statements of the witnesses have been recorded and muddamal has also been collected, therefore, personal presence of the applicant/accused is not necessary for

investigation. That, the applicant/accused is a young person of 22 years. If he is kept in jail for a prolonged period, there is every possibility that he may come into contact with hardened criminals lodged in prison. Therefore, in order to prevent such association and in the interest of his future, the applicant deserves to be released on bail. The applicant is a permanent resident of Kathol, where he resides with his family, and there is no possibility of his absconding. He shall be available to the Investigating Officer whenever required. Furthermore, if released on bail subject to appropriate conditions imposed by this Hon'ble Court, the applicant/accused undertakes to remain present before the Court on every date of hearing and to faithfully abide by all such conditions as may be imposed.

5. Per Contra the Ld. A. P. P. Ms. V. B. Mahida appeared on behalf of the State has strongly opposed the present bail application and further submitted that;

- i. The present applicant/accused person is facing charges of very serious crime against the chastity of women which is punishable under Sections 137(2), 87, 64(2)(m) of B.N.S. and Section 6 and 18 of Protection of Children from Sexual Offences.
- ii. Ld. A.P.P. Ms. Mahida has also contended that the present applicant has made sexual intercourse with minor victim for several times and due to the said forceful sexual intercourse the victim also became pregnant and therefore, prima facie case is made out against him.

- iii. Learned A.P.P. Ms. Mahida has vehemently opposed the present application and submitted that, as per the Birth Certificate of the victim, on the date of the alleged incident, she was aged 17 years, 02 months and 13 days, and was admittedly a minor. It is further submitted that the accused was about 22 years of age at the relevant time. Considering the tender age of the victim and the gravity of the allegations, it is contended that the provisions of the Protection of Children from Sexual Offences Act, 2012 are prima facie attracted, and therefore the applicant/accused is not entitled to be released on regular bail.
- iv. Ld. A.P.P. has argued that, the offence registered against the present applicant/accused is pertaining to the heinous crime, for which maximum punishment is up to life imprisonment.
- v. She has submitted that at present investigation is pending and in case of granting bail to the applicant/accused possibility of being flee away and tempering and hampering the evidences can not ruled out.
- vi. Ld. A.P.P. has further submitted that, the applicant/accused is headstrong person of the society and therefore, the possibility of repetition of such offence with the victim and threatening the complainant, victim and witnesses can not be ruled out. Therefore, looking to the tender age of the minor victim and the conduct of the accused and gravity of the offence, the applicant is not

7 of 13 **Criminal Misc. Application No.739 of 2026**
entitled for regular bail. So, this bail application shall be
rejected.

6. Notice of this application was duly served upon the complainant and the original complainant (victim's father) remained present before this Court at the time of hearing and he has opposed the present bail application and submitted that he has strong objection for granting bail to the accused. At the time of hearing of the bail application, the Investigating Officer has secured the presence of the victim before this Court and at that time the victim has voluntarily stated that the accused is not at fault and she voluntarily accompanied with him and she want to marry with him and her date of birth is 12.04.2008 and therefore, bail shall be granted to the accused.
7. Before advertent to the emergence of the factual matrix from the record of the case, it is worthwhile to comprehend the factors governing the grant or rejection of the bail. While granting bail, the Court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations.
8. Now, at this juncture, while deciding present regular bail application, Court cannot appreciate evidence on record, but at the same time Court can weigh according to the material available on record and has to see whether the prima-facie

allegations made against the applicant/accused person can be believed and the Court has to comprehend exact role attributed to the accused person. Having heard the learned counsel appearing for the respective parties and having perused the case papers, including the statements of the complainant and the victim, it appears that the victim and the applicant were acquainted with each other for a considerable period of time and were in regular contact through mobile phone and Instagram. The statement of the victim further indicates that they were in a love relationship and that she had voluntarily left her house with the applicant/accused. It is the specific submission of the learned advocate for the applicant/accused that the present case arises out of a consensual love relationship between the applicant and the victim and that the victim had voluntarily accompanied the applicant/accused. At the outset, it is to be noted that every matter has its own merits and peculiar facts. The matter on hand has also its own peculiar facts, which are reflected from the statement of the victim and the investigation papers placed on record. It appears from the material available that, as per the Birth Certificate, the victim was aged 17 years, 02 months and 13 days on the date of the alleged incident and was, therefore, a minor while as per the school leaving certificate and matriculation certificate of the victim her date of birth is 12.04.2008 and accordingly these documents, the victim was more than 18 years old. However, since the investigation is pending and this aspect is also required to be investigated, it can not be just and appropriate to reach to the conclusion that the victim was major at the time of offence. At the same time, on further careful analysis of the statement of the victim, her statement reveals that she had been in a love relationship with the applicant for a considerable period of time prior to the

incident and that both of them had been communicating with each other regularly through mobile phone and Instagram. It also seems from the statement of the victim that, since the parents of the victim came to know about her love affair with the applicant, she was prevented to go to school and thereafter, she and applicant decided to run away together and accordingly, they planned and executed and eloped together. Thus, without expressing any opinion on the merits of the prosecution case or the defence put forward by the applicant/accused, and bearing in mind the settled principle that appreciation of evidence is impermissible while considering a bail application, the material on record prima facie indicates the existence of a love relationship between the applicant and the victim, which is a circumstance emerging from the record and is required to be taken into consideration only for the limited purpose of deciding the present bail application. So, over and above, the fact of love affair between the applicant/accused and victim is emanated from the record.

9. Having further examined the case papers of the investigation and affidavit filed by the Investigating Officer, it divulges that most of the investigation is completed and during investigation medical examination of the present accused and victim have been done, statements of the material witnesses have been recorded and muddamal has also been recovered and procedure for getting scientific examination of the muddamal through F.S.L. is also carried out by the investigating agency. Moreover, the affidavit filed by the Investigating Officer does not reflect any justification or necessity of personal presence of applicant/accused for any further investigation or interrogation. Therefore, personal presence of the applicant for further

investigation is not essential and in backdrop of the fact that the applicant has no any criminal antecedent and the applicant has no such past criminal conduct, there is no any apparent endanger of tempering with the evidences and threatening the witnesses.

10. Moreover, looking to the gravity and nature of the accusation made against the present applicant/accused and while balancing personal liberty and society's interest in backdrop of the matter and by considering the peculiar facts and circumstances of the matter, it reveals that the personal liberty of the present applicant/accused is required to be protected against the interest of the society. Further, there is no justifiable reason appeared from the affidavit filed by the Investigating Officer for which the bail can be denied to the present applicant/accused. Further, the present applicant/accused is having permanent residence at the address mentioned in the cause title and there are no any materials which can suggest that the present applicant/accused is likely to flee from justice and tempering with the evidences. Besides, for securing the personal presence of the applicant/accused and for avoiding any kind of probabilities and doubts as raised by the investigating officer in his affidavit, stringent condition is required to be imposed.

11. In view of the above discussion and materials available before this Court at this point of time, there are justifiable reasons to release the present applicant/accused person on regular bail by exercising the discretion, hence in the interest of justice following order is passed.

::: O R D E R :::

(1) The Present **Criminal Misc. (Reg. Bail) Application No. 87**

(2) The applicant **Aniruddhsinh Bhupendrasinh Gohil** resident of the address shown in the cause title is hereby released on bail on furnishing personal bond of Rs.25,000/- and one surety of like amount in connection with offence registered in Bhadaran Police Station vide F.I.R. No. 11215004260140/2026 for the offences punishable under Sections 137(2), 87, 64(2)(m) of B.N.S. and Section 6 and 18 of Protection of Children from Sexual Offences Act (POCSO) subject to following conditions that ;

- a. The applicant shall remain present before the Investigating Officer as and when his personal presence for investigation is required.
- b. The applicant/accused shall remain personally present at the time of trial;
- c. The applicant/accused shall surrender his passport with this Court within seven days from the date of this order. If he does not possess passport, then file affidavit to that effect;
- d. The applicant/accused shall furnish his mobile number and residential address with authenticated proof before the Court at the time of execution of the bond and shall not change the contact number along with address without prior permission of this Court;

- e. The applicant/accused shall not take undue advantage of the liberty or abuse his liberty;
- f. The applicant/accused shall not try to tamper or pressurize the prosecution witnesses or complainant in any manner;
- g. The applicant/accused shall not in any manner be injurious to the interest of prosecution;
- h. The applicant/accused shall mark his personal presence on 15th date of every English Calender month for next four months before the Bhadaran Police Station between 12.00 noon to 14.00 p.m.
- i. The applicant/accused shall not enter into territory of Anand District for four months or till the recording of evidence of victim, whichever is later, except for attending the Court proceedings or for securing his presence in concerned Police Station.
- j. The applicant/accused shall not leave the territory of Gujarat State for three months from the date of this order without prior permission of this Court.
- k. The applicant/accused shall not leave the territory of India till completion of trial against him without prior permission of this Court.

1. The applicant/accused shall declare the list of movable and immovable property owned and occupied by him with full description and particulars.
- m. The applicant/accused shall declare the name, contact number and address with proof of two reputed persons of his own village at the time of execution of bond.
- n. In case of breach of any of the above conditions by the applicant/accused, the concerned authority may initiate appropriate litigation for cancellation of bail.
- (3) Necessary yadi of this order be sent to the concerned police station.
- (3) Necessary yadi of this order be sent to the concerned police station.

Pronounced and Signed, today i.e. on 06th July, 2026.

Dt. 06.07.2026
Anand.

(S. I. Bhorania)
Additional Sessions Judge &
Spl. Judge (POCSO), ANAND.
[UIC No. GJ-00606]