

GJBK010022552026



Filed on : 18.06.2026

Registered on : 18.06.2026

Decided on : 30.06.2026

Duration : 12.00.0000

D M Y

**IN THE COURT OF 3rd ADDITIONAL SESSIONS
JUDGE BANASKANTHA DISTRICT AT
PALANPUR**

CRI. MISC. APPLN. NO.714/2026

Exh. _____

Applicant: Pranavkumar Rameshchandra Patel

Age: 41 years, Occupation : Business,
R/o 12, Giriraj Society,
Near S.C.W. High School, Deesa,
Tal. Deesa, District: Banaskantha,
At present in Sub-jail, Palanpur.

Versus**Opponent: The State of Gujarat**

(Notice be served to the District Public
Prosecutor, Palanpur)

**SUBJECT :- APPLICATION
UNDER SECTION 483 OF
BHARATIYA NAGRIK
SURAKSHA SANHITA, 2023
FOR REGULAR BAIL.**

(A. J. Kanani)

3rd Addl. Sessions Judge,
Palanpur

Appearance:

Mr. K. D. Barot, Ld. Advocate for the Applicant
Mr. R. P. Vaishnav, Ld. P.P. for the State.

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

- 1) Present application is preferred by applicant under Section 483 of B.N.S.S., 2023 for regular bail in connection with FIR registered against them with Palanpur City West Police Station bearing No.11195010260650 of 2026 under Sections 3, 4 & 5 of Human Trafficking Act and Section 143(2) & 54 of Bharatiya Nyay Sanhita, 2023.
- 2) Learned Advocate Mr. K. D. Barot for the applicant has submitted that applicant is innocent and has not committed any offence as alleged in the FIR and has been falsely implicated in this offence. It is further submitted that he is innocent and considering the papers on record no offence is made and he has not committed alleged offence and only the basis of doubt present applicant has been arrested by the police just to harass him. It is further submitted that he has falsely been implicated in the present offence and all the averments against him are false and fabricated and considering the statements produced on record, it clearly transpires that he has been falsely implicated in the present offence. It is also submitted that another accused had been enlarged on bail by this Court vide Criminal Misc.

Application No.620/2026 hence, it is requested to enlarge the applicant on the ground of parity. It is also submitted that maximum punishment of 3 years is prescribed for the alleged offence. It is further submitted that applicant is having responsibility to maintain his family and if he is not enlarged on regular bail then his family would suffer a lot. It is further submitted that applicant is having movable and immovable property hence, there is no question of flee away and applicant is also ready and willing to abide by the terms and conditions that will be imposed by the court while freeing him and therefore, requested to allow this application.

- 3) Upon issuance of notice, learned P.P. Mr. R. P. Vaishnav has appeared and by filing an affidavit of I.O. at Exh.7 has strongly opposed the bail application of applicant. It is contended that the present applicant in collusion with the accused No.1 brought women from outside to their Spa namely “Bliss Bar” for their own financial gain and by giving them financial lures, they were offered additional services (physical intercourse) and by giving them physical exploitation, they kept them in their Spa and invited male customers from outside and started a business of illegal prostitution in partnership under the guise of a Spa center. It is further submitted that present applicant is prima facie involved in a very serious offence and

therefore by enlarging him on regular bail will send a wrong message in society as a very serious offence is committed by him. It is also submitted that another accused are yet to be arrested and investigating is still going on and charge-sheet is yet to be filed. Based on the above arguments, Ld. P.P. has prayed to reject this application.

- 4) Heard, learned Advocates for the parties. Perused the bail application, police papers and affidavit of I.O. produced on record.
- 5) So far as bail is concerned, this Court is very well aware with the principle laid down by the Hon'ble High Court as well as Hon'ble Apex Court in so many reported cases with regard of the precaution required to be taken by the Court while deciding the bail application. This Court is also very well aware that bail is a rule and jail is an exception. Punishment of the offence is not material to reject or allow the bail application but what is material to decide the bail application is a prima facie case, involvement of the accused, seriousness of offence, possibility of misuse of the liberty and presence during the course of trial. While deciding the bail application it is not the duty of the Court to appreciate the evidence like trial, material collected by Investigating Agency during the course of investigation, the Court has only to see that

whether sufficient evidence is recovered by the Investigating Officer to proceed with against the accused for the allegation imposed against him. Detailed examination of the evidence and elaborate documentation of the merits of the case is to be avoided by the Court while passing orders on bail applications, yet a court dealing with the bail application should be satisfied as to whether there is a prima facie case, but exhaustive exploration of the merits of the case is not necessary. The Court dealing with the application for bail is required to exercise its discretion in a judicious manner and not as a matter of course.

- 6) It is settled principle that liberty of a person should not ordinarily be interfered with unless there exists cogent grounds therefore. In a case of State of *Uttar Pradesh Vs. Amarmani Tripathi*, reported in 2005(8) SCC 21, the Hon'ble Apex Court held that "it is well settled that the matters to be considered in an application for bail are (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence (ii) nature and gravity of the charge (iii) severity of the punishment in the event of conviction (iv) danger of the accused absconding or fleeing, if released on bail (v) character, behavior, means, position and standing of the accused (vi) likelihood of the offence being repeated (vii) danger, of course, of justice being thwarted by grant of bail. In above referred

authority the Hon'ble Apex Court also held that while a vague allegation that the accused may temper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. It is necessary for the Courts dealing with application for bail to consider among other circumstances, the following factors also before granting bail, they are : 1. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence. 2. Reasonable apprehension of tampering of the witness or apprehension of threat to the complainant 3. Prima facie satisfaction of the Court in support of the charge.

- 7) In bail application, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. The grant or refusal of the bail lies within the discretion of the Court.

- 8) Looking to the principle laid down by the Hon'ble Apex Court in the authorities, it becomes very clear that unless and until any strong evidence on record to reject the bail application, the Court is not competent to disallow the bail application submitted by the accused. This Court is also in belief that statute has given discretion to the Court under Secs. 480 and 483 of B.N.S.S., 2023 to release the accused person who is charged with non-bailable offence.
- 9) While deciding the bail application, two aspects in form of individual liberty and social interests are to be considered simultaneously. I have read the police papers. I have gone through the evidences collected by the I.O. during the course of investigation. The offence registered against the applicants/accused persons is of very serious nature. It reveals from the affidavit of I.O. that the present applicant in collusion with accused No.1 brought women from outside to their Spa namely "Bliss Bar" for their own financial gain and by giving them financial lures, they were offered additional services (physical intercourse) and by giving them physical exploitation, they kept them in their Spa and invited male customers from outside and started a business of illegal prostitution in partnership under the guise of a Spa center. It further appears that applicant is partner of 25% in Spa. It further appears that present applicant is prima facie involved in a very serious

offence and he is appearing to be prima facie involved in a serious offence and the papers on record at this juncture as well as the circumstances clearly shows the prima facie involvement of the accused-person in the above offence.

- 10) In this connection, it would be just and proper to refer the provision of Section 143(2) of B.N.S. which are as under:

Section 143.-- Trafficking of person.

(2) Whoever commits the offence of trafficking shall be punished with rigorous imprisonment for a term which shall not be less than seven years, but which may extend to ten years, and shall also be liable to fine.

- 11) Now, looking to the facts of the present case, alleged offence registered against the applicant prima facie attracts the ingredient of Section 143(2) of B.N.S. It is required to be noted from the affidavit of I.O., that applicant/accused person has played an active role in commission of the offence and therefore enlarging him on regular bail will send a wrong message in society as a very serious offence of theft is committed by him. It further appears that another accused are yet to be arrested and investigating is still going on and charge-sheet is yet to be filed and so, if at this juncture, the present application is allowed then there are all chances that there would be hindrance in the investigation and considering the seriousness of the offence also, this application is required to be rejected and in that circumstances, no discretion is exercised in favour

of the applicant/accused person. So, considering the manner in which the offence has been carried out and the role attributed by the present applicant/accused person, there is no question of exercising any discretionary power in favour of the present applicant/accused person. The applicant/accused person is involved in the serious offence. There is a strong prima facie case against the applicant/accused person and the offence committed by the applicant/accused person is a very serious act in regards to security and well being of the society and since another accused are yet to be arrested and investigation is pending, at a crucial stage and charge-sheet is not yet filed therefore under such circumstances this court does not deems fit to exercise jurisdiction in favour of the applicants/accused.

- 12) It is mainly argued by the learned advocate for the applicant that maximum punishment of 3 years is prescribed for the alleged offence hence, it is requested to enlarge the applicant on regular bail. But, in this regard, it is pertinent to note here that magnitude of the offence cannot be considered on basis of punishment prescribed in Statues but by the impact of the society.
- 13) Looking to the whole material available on record, it appears that though another accused had been enlarged bail by this Court vide Criminal Misc. Application No.620/2026 but in this regard it is pertinent to note that

those accused were customers of the Spa so their bail applications were granted but at the same time, it appears that present applicant-accused is running the racket of illegal prostitution in partnership with accused No.1 under the guise of a Spa center and applicant is partner of 25% in Spa so applicant is not entitled to get benefit of parity. In this regard, it is pertinent to note here that present applicant is doing illegal business in partnership with accused No.1 and earlier Criminal Misc. Application No.636/2026 filed by the accused No.1 for getting regular bail had been rejected by this Court vide order dated 04.06.2026. It apparently appears that role of the present applicant is same as the role of the accused No.1 and in these circumstances, there is no question of granting the regular bail of the present applicant. Moreover, as stated above, serious offence has been registered against the applicant/accused person and the papers on record reveals that he has played an active role in the commission of the offence which is a very serious offence and so from the affidavit of I.O. it appears that there is a prima facie case against the applicant/accused person in as much as there are evidences suggesting the involvement of the applicant/accused person to the offence, and another accused are yet to be arrested, the investigation is going on, is at crucial stage and charge-sheet has not yet been filed hence I decline to exercise judicial discretion

conferred under Section 483 of BNSS, 2023. Therefore, it is not desirable to exercise the discretion in favor of applicant/accused person and the present regular bail application deserves to be rejected and hence following order is passed. Thus, in view of the above discussion, this court do not deem it fit to exercise discretion in favor of applicants/accused and hence, following order is passed in the interest of justice;

:ORDER:

The present regular bail application bearing **Cr.M.A. No. 714/2026** is hereby **rejected**.

Signed & pronounced on today on this **30th day of June, 2026**.

PALANPUR.
Date: 30/06/2026

(Amitkumar J. Kanani)
3rd Additional Sessions Judge
B.K. District, Palanpur.
(Code : GJ00662)

VISHAL