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DECIDED ON : 11/03/2026

DURATION : Y. M. D.
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EXH. No. :

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
THARAD, BANASKANTHA**

Cri. Misc. Application No. 141/2026

Narsengbhai @ Nashabhai Bhurabhai Rajput (Rupani)

Age : 26 years,

R/o. : Rupanivas, Suigam, Dist. : Vav-Tharad

Applicant...

Versus

The State of Gujarat ,

Through A.P.P. Shri, Tharad

Opponent...

APPLICATION FOR REGULAR BAIL

APPEARANCE :

- Ld. Advocate **Mr. A. B. Rajput**, for the applicant.

- Ld. APP **Mr. R. D. Joshi**, for the opponent-State.

J U D G M E N T

- 1) The applicant has preferred this application for regular bail for releasing him on regular bail in connection with F.I.R. No. 11996005260046/2026 registered at Suigam Police Station for the offences punishable under Section 74, 75, 78,

351(3) of BNS and Section 8 & 12 of the POCSO Act.

- 2) Pursuant to filing of the application, notice was issued and served upon the opponent and the learned A.P.P. Mr. R. D. Joshi has appeared on behalf of the State and filed the affidavit prepared by the I.O. at Exh.7. The original complainant has also appeared thorough Ld. Advocate Mr. A. N. Acharya and filed written objections against the present application at Exh.9.
- 3) I have heard the learned advocate for the applicant and Ld. A.P.P. for the opponent-State.
- 4) The Ld. Advocate for the applicant has argued as per the bail application filed by the applicant and he has drawn my attention towards the contents of FIR. It is argued that the applicant has not committed any act of molestation or harassment against the victim and asserts that he has been falsely implicated by the complainant in collusion with the police, which is evident from the victim's recorded statement. It is further submitted that when the victim was admitted to Sanjeevani Hospital, Bhabhar, it was initially stated before the doctor that the consumption of phenyl was accidental, thereby casting doubt on the later allegation that the act was a consequence of harassment by the accused. The Ld. Advocate for the applicant also points out the inordinate delay in lodging the FIR, as the alleged incident pertains to 20/08/2024, suggesting the possibility of an afterthought and fabrication. It is further argued that the case arises out of financial disputes and personal enmity between the parties, resulting in false implication. It is

further argued that now, the investigation qua the present applicant has been completed and no recovery or discovery is to be made. It is further argued that the present applicant is in judicial custody since 27.02.2026 and keeping him behind the bar would result in pre-trial conviction. With these submissions, Ld. Advocate for the applicant has requested to release the applicant on regular bail on suitable conditions.

- 5) I have considered the written objections raised by the complainant in affidavit at Exh.9. He has vehemently opposed the present application and raised various contentions against it and requested to reject the present application.
- 6) Learned A. P. P. for the State has strongly opposed the present bail application. Ld. APP has drawn my attention towards the facts of the present complaint and he has argued that the present applicant is an accused of a heinous crime. It is further argued that the Applicant is an accused of persistent stalking and the aggravated molestation of a minor victim, despite full knowledge of her age. It is further argued that the Accused allegedly intercepted the victim at a cattle shed, where he used physical force to embrace her and outrage her modesty and these acts were compounded by death threats against the victim's father to compel her silence and cooperation. It is further argued that the victim's ordeal resulted in severe trauma, forcing her to abandon formal education and leading to a suicide attempt by phenyl consumption on 22.02.2026. It is further argued that the

complainant of the present case has been filed written objections against the present application at Exh.9 and raised various apprehensions against the present application. It is further argued that the investigation of the present case is yet to be completed and if the present applicant would be enlarged on bail, there is apprehension that the applicant may hamper the investigation or tamper with the evidences and would attempt to win over the witnesses. Therefore, Ld. APP for the State has requested to reject the present bail application.

- 7) I have heard the arguments of the parties and perused the record. I have also considered the contents of FIR. I have also considered the written objections raised by the complainant at Exh.9 and also considered the affidavit filed by the I.O. at Exh.7. It appears that offenses alleged against the applicant are heinous in nature and the applicant is an accused of persistent stalking and the aggravated molestation of a minor victim, despite full knowledge of her age. It appears from record that the accused allegedly intercepted the victim at a cattle shed, where he used physical force to embrace her and outrage her modesty and these acts were compounded by death threats against the victim's father to compel her silence and cooperation and the victim's ordeal resulted in severe trauma, forcing her to abandon formal education and leading to a suicide attempt by phenyl consumption on 22.02.2026. Further, the Accused is described as a habitual offender whose mischief has created a climate of fear, deterring the public from religious

sites and preventing minor girls from attending school. The statement of the victim recorded under Section 183 of the BNSS before the Ld. Judicial Magistrate First Class support the case of the Prosecution. The victim of the present case was only about 15 years of age at the time of alleged incident and the present applicant is aged about 26 years old and prima facie strong material available against the present applicant. Further, the investigation of the present case is yet to be completed and I find force in the arguments of Ld. APP for the State that if the present applicant would be enlarged on bail, there is apprehension that the applicant may hamper the investigation or tamper with the evidences and would attempt to win over the witnesses. Therefore, considering all the facts of the present application and gravity of the offence and criminal mindset of applicant, I am of the opinion that the present application deserves to be rejected and hence, the following order is passed.

// ORDER //

- 1] The present Criminal Misc. Application No. 141/2026 is hereby rejected.

Signed & Pronounced in the open Court on this 11th day of March, 2026 at Tharad, Banaskantha.

THARAD
DATE : 11/03/2026

(P. M. SAYANI)
ADDL. SESSIONS JUDGE,
THARAD, BANASKANTHA
CODE No. [GJ00575]