

GJBN010007102026



Received on : 23.02.2026
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Decided on : 17.03.2026
Duration : DD MM YY
22- 00- 00

**IN THE COURT OF 4TH ADDITIONAL SESSIONS JUDGE
BHAVNAGAR.**

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Criminal Misc. Application No.365 of 2026
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EXH.NO -

Applicant. : Hitesh Rameshbhai Dave,

Aged, 42 years, Occu : Labour work,
Residing at : Plot No.49, Sheri No.10,
Near Railway Bridge, Nirmalnagar,
Bhavnagar.

(Presently in Judicial Custody at
Bhavnagar Jail)

Vs.

Opponent. : The state of Gujarat.

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**Application for Regular bail under Section 483 of the
B.N.S.S, 2023.**
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APPEARANCE:

Ld. Advocate for the applicant. : Mr. B.M.Joshi,
Learned A.P.P. for the State. : Mr. D.A.Mehta.
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:: J U D G M E N T ::

[1.0] This application is filed by the applicant under Section 483 of the B.N.S.S. for regular bail in connection with F.I.R. registered as **C.R. No.11198042200041/2020** with **Palitana**

Town Police Station, Bhavnagar for the offence punishable under **Sections 363, 376(2)(J)(N), 376(3) of IPC and Sections 6, 10, 18 of Protection Of Children From Sexual Offences Act, 2012 (POCSO ACT).**

[2.0] It is submitted by the Id. Advocate for the applicant that the applicant is facing the case as alleged in the FIR vide **Spl.POCSO Case No.18/2020** which is pending before this Sessions Court, Bhavnagar. Ld. Advocate further submits that applicant is labourer and misconception with regard to the date of the adjournment, the applicant is not able to remain present before the Ld. Court and therefore, the Id. Court was pleased to issue warrant against the applicant and in furtherance of the said warrant the applicant was present before the Ld. Court and sent him in judicial custody. Therefore, at present, the applicant is in judicial custody since his arrest. Hence, this application seeking bail has been filed.

[3.0] It is further submitted that, the applicant shall henceforth, remain present regularly and shall not take undue liberty granted to her. It is further submitted that, the absence of the applicant was not deliberate and the applicant undertake to scrupulously abide by any or all conditions that may be imposed by this Court. Hence, present application may kindly be allowed.

[4.0] Per contra Id. A.P.P. appearing for the State submits that, the applicant has misused the liberty granted to him and not remained present before the Id. Court for long time. It is further submitted that if he is enlarged on bail, there is

possibility that he may likely to flee away from trial. Therefore, present application may be rejected.

[5.0] Having heard Id. Advocates for the either sides and taking into account the fact that, arrest warrant was issued against the applicant owing to his absence during the trial and on present before the Id. Court, he was taken into judicial custody. It is further appears from the perusal of submissions that the absence of the applicant during trial was mainly due to ill health of applicant and misconception of the date of the trial. Further herein this case Id. Advocate for the applicant has given an undertaking that the applicant shall henceforth remain present for trial regularly. Therefore, taking into the account the fact that applicant was earlier released on regular bail by the Hon'ble High Court in respect of the present case on merits and at present, the applicant is in judicial custody owing to arrest warrant issued by the Id.Court, this Court is of the view that, it would be appropriate to release the applicant on bail subject to certain conditions. Hence, the following final order is passed.

-: ORDER :-

a. The present bail application is allowed and applicant - **Hitesh Rameshbhai Dave**, is hereby ordered to be released on bail in connection with the offence registered before **Palitana Town Police Station, Bhavnagar** vide **C.R. No.11198042200041/2020 (Special POCSO Case No.18/2020)** for offences punishable under **Sections 363, 376(2)(J)(N), 376(3) of IPC and Sections 6, 10, 18 of Protection Of Children From Sexual Offences Act, 2012 (POCSO ACT).**, upon executing a personal bond of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with one

surety of the like amount subject to the conditions that the applicant:

- a) Shall deposit a cash amount of **Rs.25,000/-** before this Court.
- b) Shall deposit a sum of **Rs.500/-** as penalty before this Court.
- c) Shall remain present before the concerned Court for trial regularly.
- d) Shall henceforth continue to scrupulously follow the conditions imposed in regular bail;
- e) shall not cause delay in trial proceedings in any manner.
- f) shall furnish details of his present and permanent address alongwith authentic proof within seven days from the date of his release.

Bail bond executed before concerned Court.

Pronounced today in open Court on this **17th day of March, 2026.**

Date : 17.03.2026

Place : Bhavnagar

(JIGNESH GIRISHBHAI DAMODRA)

4th Additional Sessions Judge,

Bhavnagar.

Unique ID Code No.GJ00996

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