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 Exhibit 07

**IN THE COURT OF 2nd ADDITIONAL SESSIONS JUDGE, &
 SPECIAL JUDGE (POCSO COURT)
 CHHOTAUDEPUR**

Criminal Miscellaneous Application No.151/2026
(Regular Bail before charge-sheet)

Applicants :-

1. **Tursingbhai @ Bhuriyo Mangubhai Rathva,**
Age : 35 years, Occupation : Service,
2. **Hiteshbhai Naginbhai Rathva,**
Age :- 27 years, Occupation :- Service,

Both are R/o. Puniyavant, Mota Faliya,
Taluka & District :- Chhotaudepur.

(Both are presently lodged in District Jail, Rajpipla)

Versus

- Opponents :-**
1. **The State of Gujarat,**
 2. **Urmilaben Bharatbhai Rathva,**
R/o. :- Mota Faliya, Puniyavant,
Taluka & district :- Chhotaudepur.

Appearances:

Mr. S. S. Pathan, the Ld. Advocate for the applicants.

Mr. R. S. Parmar, the Ld. A.P.P. for the Opponent No.1-State.

The Opponent No.2 has remained present personally.

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

1. The present bail application is preferred by the applicants/accused for grant of bail under **Section 483 of B.N.S.S.** The present applicants/accused came to be arrested for the alleged offence under Sections 137(2), 351(3) & 54 of B.N.S., 2023 and Sections 12 & 17 of

POCSO Act for which F.I.R. bearing C.R. No. **11184002260388/2026** came to be registered with **Chhotaudepur Police Station**. The applicants have been in judicial custody since 03/06/2026. Further, the Applicant No.1 had earlier preferred an Anticipatory Bail Application before this Hon'ble Court being **Cr.M.A. No.112/2026**; **however, the said application was withdrawn**. Therefore, the applicants/accused have preferred the present bail application seeking regular bail, being their **first bail application**.

2. I have heard the **learned advocate for the applicants**, who has submitted that the **FIR has been lodged after a delay of nine days** without any satisfactory explanation and appears to be a false and concocted complaint filed after due deliberation with a view to harass the applicants. It is further submitted that the applicants had earlier lodged an FIR against the husband, brother-in-law and son of the complainant vide C.R. No.11184002260382/2026 at Chhotaudepur Police Station and that **the present FIR has been filed as a counterblast thereto**. It is also submitted that the offences alleged against the applicants are punishable with a maximum sentence of seven years and do not carry punishment of death or imprisonment for life. Learned advocate has further submitted that the main accused, Karamsingbhai Rameshbhai Nayka has already been enlarged on bail by this Court vide **Cr.M.A. No.82/2026** and, therefore, the present applicants are also entitled to bail on the **ground of parity**. It is further submitted that Applicant No.1 is serving as a Health Worker, while Applicant No.2 is engaged in agriculture, and their continued detention would adversely affect their career, livelihood and future prospects. It is contended that the applicants are permanent residents, there is no likelihood of their absconding, and they are ready and willing to cooperate with the investigation and abide by any condition that may be imposed by this Court. Therefore, it is prayed that the applicants be released on bail on suitable terms and conditions.

3. After institution of the present application, notice was issued to the

State, pursuant to which the **learned A.P.P., Mr. R. S. Parmar, has appeared on behalf of the State.** The **Investigating Officer has filed an affidavit at Exhibit-6.** Further, in the present matter, notice was issued to the **Opponent No.2/complainant,** and upon service of the said notice, the complainant appeared and filed his **objection vide Exhibit-5.** The detailed submissions of the complainant have been heard.

4. The learned **A.P.P., Mr. R.S. Parmar,** along with the **Investigating Officer (Exhibit-6),** has opposed the grant of bail and submitted that the victim, aged about **17 years and 18 days,** was allegedly threatened and forced to come out of her house by Accused No.1, Karamsingbhai Rameshbhai Nayaka. Thereafter, **Accused No.2, Tursingbhai @ Bhuriyo Mangubhai Rathva (present Applicant No.1),** Accused No.3, Atishbhai Hareshbhai Rathva and accused No.4, Hiteshbhai Naginbhai Rathva **(present Applicant No.2),** allegedly made the victim sit in a Tavera vehicle and kidnapped her from the lawful guardianship of her parents. It is alleged that the victim was thereafter taken to a house situated near Dabhoi, where she was wrongfully confined and threatened against her will. It is further submitted that the present applicants are specifically named in the FIR from its inception. Considering the serious nature of the allegations, it is contended that the applicants do not deserve to be enlarged on bail. It is also apprehended that, if released on bail, they may influence or threaten the complainant and material witnesses, who are residents of nearby villages. Therefore, it is prayed that the present application be rejected in the interest of justice.
5. Heard the learned advocates for the parties, complainant and further perused the bail application, the police papers, and the affidavit of the Investigating Officer placed before me.
6. Upon considering the overall submissions and the police papers, it transpires that the applicants are involved in the offence as alleged by

the Investigating Officer in his affidavit. It further appears that none of the offences alleged against the applicants are punishable with death or imprisonment for life. Furthermore, the applicants have been in judicial custody since 03/06/2026, and considering the pendency of a large number of U.T.P. cases before this Court, the trial is not likely to commence or conclude in the near future; therefore, their continued detention would amount to pre-trial conviction. Further, considering the **ground of parity**, the case of the applicants/accused can be equated with that of the co-accused who has already been released on bail, and there are no distinguishing circumstances or striking dissimilarities warranting deviation from the rule of parity. Further, the learned A.P.P. stated at the Bar that one other past criminal antecedent is registered against the applicant; however, as per the settled judgments of the Hon'ble High Court and the Hon'ble Supreme Court, mere pendency of other offences against the applicant/accused does not prevent the granting of regular bail, and the repetition of crime as well as the presence of the applicant can be secured by imposing necessary conditions. Moreover, as the concerned case is sub judice before this Court, it would not be just and proper to enter into a detailed discussion on the merits or demerits of the facts. The applicants/accused are permanent residents of this District and, therefore, there is no reasonable likelihood of their absconding. The applicants have assured that they shall remain present during the course of trial, shall strictly abide by the conditions that may be imposed by this Court, and shall not misuse the liberty of bail. At the same time, without expressing any opinion on the merits of the case and having regard to the aforesaid facts and circumstances, this Court finds it just and proper to exercise the discretionary powers under Section 483 of the B.N.S.S. in their favour. Accordingly, the following order is passed:-

∴ ORDER ∴

- (1) The present application is hereby **allowed**.
- (2) The present applicants/accused **(1) Tursingbhai @ Bhuriyo Mangubhai Rathva and (2) Hiteshbhai Naginbhai Rathva,**

accused of the offences punishable under Sections 137(2), 351(3) and 54 of the B.N.S., 2023 and Sections 12 and 17 of the POCSO Act, are hereby ordered to be released on regular bail on each of them furnishing a personal bond in the sum of **Rs.25,000/- (Rupees Twenty-Five Thousand only)** with one solvent surety of the like amount, subject to the following conditions :-

- A) The applicants/accused shall not, in any manner, directly or indirectly, threaten, intimidate, induce, allure, or attempt to influence the prosecution witnesses, nor shall they tamper with the evidence.
- B) The applicants/accused shall not leave the territorial limits of the State of Gujarat without prior permission of this Court till the conclusion of the trial.
- C) The applicants/accused shall remain regularly present before the Court during the course of trial and shall cooperate with the proceedings. They shall not indulge in any offence of a similar nature. In case of breach of any of the conditions, the order granting bail shall stand cancelled.
- D) At the time of furnishing bail, the applicants/accused shall furnish their complete residential and occupational addresses along with their mobile/contact numbers by way of a written pursis and shall not change the same without prior permission of this Court.
- E) **The applicants/accused shall not establish any contact with the victim in any manner.**
- F) The applicants/accused shall not, directly or indirectly, involve themselves in any other criminal activity or commit any act which may cause breach of peace. In the event of violation of any of the above conditions, the complainant shall be at liberty to file an application for cancellation of bail.
- G) **The applicants/accused shall not enter the territorial limits of Puniyavant Village until the testimony of the complainant and the victim is recorded. The**

applicants/accused shall also disclose, by way of an affidavit, the addresses at which they shall be residing during the said period.

- (3) The Soft Copy of this order to be sent to the Superintendent, of concerned Jail by E-mail in accordance with the directions of the Hon'ble Supreme Court of India in SMWP (Criminal) No.4/2021, in RE POLICY STRATEGY FOR GRANT OF BAIL dated 31.01.2023.

Pronounced in Open Court today i.e. on this **6th** Day of **June, 2026**.

DATE : 06/06/2026
CHHOTAUDEPUR.

(J. G. BAGGA)
2nd ADDITIONAL SESSIONS JUDGE &
SPECIAL JUDGE (POCSO COURT),
CHHOTAUDEPUR.
UI CODE NO.GJ00667