



Received on :- 24/06/2026
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 Decided on :- 08/07/2026
 Duration :- 15 days

Exhibit 10

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

**Criminal Miscellaneous Application No.185/2026
 (Regular Bail before charge-sheet)**

Applicant :- Virambhai alias Viru Rameshbhai Tadv,
 Age : 21 years, Occupation : Private Service,
 R/o. Natvarpura, Palace Road,
 Chhotaudepur, Taluka & District :- Chhotaudepur.

(At present in Sub Jail Chhotaudepur)

Versus

Opponents :-

- 1. The State of Gujarat,**
- 2. Kantibhai Mangubhai Tadv,**
 R/o. Natvarpura, Palace Road,
 Chhotaudepur,
 Taluka & District :- Chhotaudepur.

Appearances:

Mr. M. M. Makrani, the Ld. Advocate for the applicant.

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

The Opponent No.2 has appeared in person.

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

- 1.** The present bail application is preferred by the applicant-accused for grant of bail under **Section 483 of B.N.S.S.** The present Applicant/accused came to be arrested for the alleged offence under Sections 137(2), 74, 351(3), 54 & 123 of B.N.S., 2023 and Sections 7, 12 & 17 of POCSO Act for which F.I.R. bearing C.R. No.11184002251579/2025 came to be registered with **Chhotaudepur Police Station.** The applicant has been in judicial custody since

19/06/2026. Therefore, the applicant-accused has preferred the present application seeking regular bail before the filing of the charge-sheet.

2. I have heard the **learned advocate for the applicant**, who has vehemently submitted that the applicant is innocent and has not committed any offence as alleged in the complaint/F.I.R. It is submitted that there is an unexplained delay in lodging the F.I.R., which indicates that the same has been filed as an afterthought. It is submitted that the applicant and the victim belong to the same community and reside in close proximity to each other, therefore, the victim used to accompany Applicant No.1 on his motorcycle on several occasions whenever she intended to visit the market, being their neighbour, and the present complaint has been lodged due to previous animosity arising out of the refusal of the applicant's father to lend his motorcycle to the complainant on several occasions. It is further submitted that the allegations that the victim was taken behind the palace and an attempt was made to outrage her modesty are false and have been subsequently introduced after consultation. It is also submitted that the CCTV footage does not depict the victim raising any resistance while accompanying the applicant on the motorcycle. Further, the applicant has no criminal antecedents and, if the present application is rejected, he would be subjected to pre-trial incarceration. It is lastly submitted that the applicant is a permanent resident of the address mentioned in the cause title, has family responsibilities, is not likely to abscond or misuse the liberty, and is ready and willing to cooperate with the investigation and abide by all the conditions that may be imposed by this Court while granting regular bail.
3. 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-7**. The detailed submissions of the complainant have been heard.

4. **The learned A.P.P., R.S. Parmar and the Investigating Officer (at Exhibit-6)**, have opposed the grant of bail and submitted that the applicant/accused kidnapped the minor daughter of the complainant, **aged about 14 years, 11 months and 28 days** on 25/10/2025 at about 12:00 noon from near Palace Road, Natvarpura, Chhotaudepur. It is alleged that **present applicant/accused, Virambhai @ Viru Rameshbhai Tadvi**, and Accused No.2, Vishalbhai Vijaybhai Chauhan, forced the victim to inhale an intoxicating substance and, thereafter, forcibly and unlawfully removed her from the lawful guardianship of her parents by making her sit on Motorcycle No.GJ-34-Q-6254. It is further alleged that they took her behind the Chhotaudepur Palace, where they wrongfully restrained her, tied her hands and legs, and took her there with the intention of outraging her modesty. It is further stated that the applicant, if released on bail, there is a likelihood of the applicant approaching or influencing the complainant, which may result in further disputes or adversely affect the prosecution case. It is also submitted that the applicant has been named in the F.I.R. from the very inception. It is also argued that the offence alleged is of a very serious nature, and granting bail in such cases would adversely affect public confidence in the justice system. Hence, it is prayed that the accused may not be released on bail in the interest of justice.
5. Heard the learned advocates for the parties and further perused the bail application, the police papers, and the affidavit of the Investigating Officer placed before me.
6. Upon considering the rival submissions, the police papers and the material placed on record, it prima facie transpires that **the present applicant, Virambhai @ Viru Rameshbhai Tadvi**, along with the co-accused Vishalbhai Vijaybhai Chauhan, allegedly made the victim

inhale an intoxicating substance and thereafter forcibly making her sit on Motorcycle No. GJ-34-Q-6254, subsequently, they took the victim behind the Chhotaudepur Palace, where they wrongfully restrained her, tied her hands and legs, and took her there with the intention of outraging her modesty. In this regard, the Investigating Officer has seized the motorcycle allegedly used in the commission of the offence as well as the rope allegedly used therein, and the prosecution case is further supported by electronic evidence. The applicant has been named in the F.I.R. from its very inception. Thus, prima facie material indicating the involvement of the applicant in the alleged offence is available on record. It further transpires that the investigation is still in progress and has not yet been completed. The presence and custodial availability of the applicant may still be required for the purpose of effective investigation. Furthermore, the charge-sheet is yet to be filed and, if the applicant is released on bail at this stage, there is a reasonable apprehension that he may tamper with the prosecution evidence or influence the witnesses, thereby adversely affecting the prosecution case. I would like to make it clear that at this stage, the Court has not scrutinize the evidence in detail. However, considering the seriousness of the allegations and the stage of investigation, this Court is not inclined to exercise the discretionary powers under Section 483 of the B.N.S.S. in favour of the applicant. Hence, the following order is passed:-

∴ ORDER ∴

This Regular Bail application is hereby rejected.

Pronounced in Open Court today i.e. on this
8st Day of July, 2026.

DATE : 08/07/2026
CHHOTAUDEPUR.

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