

GJCU080001282026



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Exh.:-

**IN THE COURT OF
 ADDITIONAL DISTRICT & SESSIONS JUDGE
 CHHOTAUDEPUR AT BODELI**

Criminal Misc. Application No. 69 of 2026.

Applicant : Manojbhai Nathabhai Solanki
Age : 54 Years.
Occupation : Job
 Residing at Kavitha, Ta.- Sankheda
 District- Chhotaudepur

Vs.

Opponent : State of Gujarat.

Application u/s. 483 of B.N.S.S. for Regular bail.

APPEARANCE :

Ld. Advocate for the applicant. : Mr. A. Z. Rohit
 Ld. A.P.P. for the State. : Mr. J. B. Purani

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

1. The present application is preferred by the applicant-accused under section **483 of the Bharatiya Nagarik Suraksha Sanhita-2023** for releasing him on regular bail in connection with the **FIR being No.11184009251472/2025** registered with **Sankheda Police Station** for the offenses punishable under **Sections 308(5), 126(2) and 351(3) of the Bharatiya Nyay Sanhita, 2023.**
2. Succinctly, the facts of the case as per the F.I.R. are that on

06/12/2025, while the complainant was proceeding towards the agricultural field, the accused arrived on his motorcycle and intercepted the complainant on the way, compelled the complainant to settle an earlier rape complaint filed against him, and demanded reimbursement of the expenses allegedly incurred by him for obtaining bail from the Court, and upon refusal, threatened to strangle the complainant to death, forcibly removed an amount of Rs. 200/- from the complainant's purse, and further threatened to falsely implicate the complainant's husband and brother in a fabricated rape case through the accused's wife, pursuant to which the complainant contacted the police helpline number 112 and the complaint came to be registered at Sankheda Police Station at 18:15 hours on 06/12/2025, bearing FIR No. 111840092501472/2025 for the offences punishable under Sections 308(5), 126(2), and 351(3) of the Indian Penal Code; it is further borne out from the record that prior to the registration of the said F.I.R., the accused Manojbhai Nathabhai Solanki was already on bail in an earlier offence under Sections 64(1) and 351(3), and upon information that he had come to the village and that there was a likelihood of disturbance of peace between him and the complainant of the earlier rape case residing in the same village, PSI Shri M.B. Solanki issued a written intimation to the applicant–accused to appear at Sankheda Police Station for the purpose of furnishing bail, and while proceeding towards the police station, received information regarding a quarrel in Village Kavitha and accordingly his movement was recorded at 13:55 hours, thereafter the applicant–accused voluntarily appeared at Sankheda Police Station and was arrested at 15:30 hours on 06/12/2025 under Sections 170 and 125 of the

Bharatiya Nagarik Suraksha Sanhita, with intimation of arrest given to his wife, and although the present offence was registered at 18:15 hours on 06/12/2025, the applicant-accused had already been arrested earlier at 15:30 hours on the same day under Sections 170 and 126 of the Bharatiya Nagarik Suraksha Sanhita, and thereafter the accused were produced before the Hon'ble Executive Magistrate on 07/12/2025 and were informed of the written grounds and reasons for their arrest on 07/12/2025 at 18:45 hours. On the basis of these facts, the FIR came to be registered under the relevant provisions of law against the present applicant-accused. The present applicant-accused thereafter preferred a regular bail application before the learned Trial Court, which, after hearing both sides and considering the material on record, came to be rejected. After that he filed the bail application before this Hon'ble court which also be rejected hence after filling of the charge sheet CC No. 47/2026, hence he filed the bail application for released him on bail.

3. Upon service of Notice to the Opponent-State, Ld. A.P.P. Mr. J. B. Purani remained present and the Investigating Officer has filed affidavit vide Exh. 06 and submitted that looking to the nature and gravity of the offence, this application be rejected.
4. The Learned Advocate for the applicant submitted that the allegations against the applicant are false, frivolous, and motivated, arising out of personal enmity and political influence, and that the complaint is fabricated. It is contended that there are material contradictions, particularly regarding the alleged forcible taking of Rs. 200/-, as the complainant himself states that he handed over the amount out of fear, making the allegation doubtful and inherently improbable. It is further submitted that

the allegation of pressurizing for settlement of the rape complaint is baseless as cross-examination in that case has already been completed. The Learned Advocate also pointed out serious irregularities in the sequence of events, as the applicant was taken into custody on 06/12/2025 at 2:00 PM and issued notice under Section 170 of the BNSS prior to any complaint, whereas the complaint was lodged later at 3:00 PM, indicating misuse of law and possible collusion. It is further submitted that though the applicant's earlier bail application was rejected, the charge-sheet has now been filed on 04/02/2026 in Criminal Case No. 47/2026, constituting a change in circumstance. The applicant had earlier undergone about 10 months of custody in another case and was released on bail by the Hon'ble Supreme Court, and the present complaint is filed to keep him in custody. The applicant is a permanent resident, educated, serving as a postmaster, having roots in society, with no likelihood of absconding or tampering with evidence. It is further contended that the alleged offences are not punishable with death or life imprisonment, and continued detention would prejudice his defence. Relying on settled principles and the judgment in *Sanjay Chandra v. CBI (2012)*, it is submitted that bail is the rule and jail is an exception, and therefore, the applicant deserves to be enlarged on regular bail in the interest of justice.

5. The Ld. APP, appearing on behalf of the State, vehemently opposed the present bail application and argued as per the affidavit at Exh.06 filed by the IO and prayed before this court that the present bail application be rejected.
6. The complainant has also filed an objection on affidavit at Exh. 08 wherein the complainant has vehemently opposed the bail

application of the present applicant-accused and has apprehension that if the applicant-accused be released on bail they may threaten, influence, or cause harm to him and to other witnesses or their family members and may tamper with evidence or obstruct the course of investigation.

7. Now, before adverting to the emergence of the factual matrix from the record of the case, it is worthwhile to comprehend the factors governing the grant or rejection of the bail. While granting bail, the Court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, larger interests of the public/State and other similar considerations.
8. I have carefully considered the submissions made by the learned Advocate for the applicant, the learned APP for the State, and the learned Advocate for the complainant, and have also perused the case papers including the FIR as well as the affidavits filed, and other material on record. The role which is attributed to the present applicant-accused is serious, specific and grave. It is alleged that after being released on bail in a rape case, the applicant intercepted the complainant on her way, compelled her to settle and withdraw the rape case filed against him, demanded money towards the expenses allegedly incurred by him for obtaining bail, threatened to kill her in case of refusal, forcibly removed an amount of Rs.200/- from her purse, and further threatened to falsely implicate her husband and brother in

another rape case. These allegations, at this stage, prima facie indicate that the applicant has misused the liberty granted to him by the Court. The Investigating Officer has placed on record the statements of witnesses. One of the witness, Kailashben, has stated that immediately after the incident the complainant narrated the entire incident to her and thereafter both of them went to the police station for lodging the complaint. Such prompt conduct lends support to the prosecution case at this stage. Similarly one of the eyewitness Tarunbhai Vipulbhai Patel, whose statement recorded during the course of investigation, revealed that he saw applicant/accused and the complainant together at the place of the incident, where the applicant was threatening the complainant with dire consequences. This statement further strengthens the prosecution version.

9. Furthermore, the learned Magistrate has also recorded the statement of the complainant under Section 164 of the Code of Criminal Procedure, which is consistent with the version stated in the FIR. In her said statement, the complainant has clearly stated that the applicant threatened her with serious consequences if she did not withdraw the rape case and that he forcibly took Rs.200/- from her. She has also stated that she immediately contacted the police by calling the 112 helpline and thereafter lodged the FIR. The prosecution has also relied upon call detail records, which prima facie support the sequence of events and the complainant's version regarding contacting the police immediately after the incident.
10. The learned APP has argued that immediately after being enlarged on bail by the Hon'ble Supreme Court, the applicant-accused threatened the complainant to withdraw the rape case,

witness. Such conduct prima facie amounts to tampering with evidence and misuse of bail, and therefore, on this ground alone, the applicant does not deserve the discretionary relief of bail. It is further pointed out by the Investigating Officer in the affidavit on record that six criminal cases are already registered against the applicant-accused. These criminal antecedents shows that the present applicant-accused is previously involved in criminal activities and is habitual offender.

11. Furthermore, the present applicant had previously filed a bail application prior to the filing of the charge-sheet, which came to be rejected. Thereafter, the present application has been preferred after the filing of the charge-sheet. However, this Court is of the view that the mere filing of the charge-sheet does not constitute a substantial change in circumstances so as to entitle the applicant to be released on bail. It is well settled that successive bail applications can be entertained only when there is a material change in circumstances. In the present case, no such significant change is shown by the applicant-accused. On the contrary, considering the nature and gravity of the allegations, the conduct of the applicant in allegedly misusing the liberty granted earlier, and the likelihood of influencing witnesses or tampering with evidence, this Court finds no justifiable ground to take a different view from the earlier rejection of bail.
12. Furthermore, I do find substance in the submissions of the learned counsel for the complainant vide Exh. 08, which are corroborated by the contemporaneous documents placed on record. Furthermore, it is pertinent to note that the rape case against the applicant-accused is still pending trial and there is all possibility that he may temper with the evidence or may influence

the witnesses and the apprehension of the complainant is genuine that if he released on bail he may temper with the evidence.

13. Though it is a settled principle that bail is the rule and jail is an exception, the said principle cannot be applied mechanically in cases where there is prima facie material indicating misuse of bail, intimidation of the victim, tampering with evidence, and interference with the administration of justice.
14. Considering the seriousness of the allegations, the specific role attributed to the applicant, the supporting material on record, the antecedents of the applicant, and the likelihood of tampering with evidence and threatening witnesses, this Court is of the considered view that the applicant is not entitled to the discretionary relief of bail. Accordingly, following order is passed:-

ORDER :

1. The present Regular Bail Application No. 69 of 2026 filed by the applicant-accused **Manojbhai Nathabhai Solanki** in connection with **Cr. No. - 11184009251472/2025** registered with **Sankheda** Police Station is hereby, **rejected**.

Pronounced and signed today on this 27th day of March, 2026.

Date : 27/03/2026.
Place: Bodeli.

[S. P. Shankar]
UIC No. GJ01601
Addl. District & Sessions Judge,
Chhotaudepur at Bodeli.