

GJCU080005022026



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Decided on 07 07 2026
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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE
CHHOTAUDEPUR AT BODELI**

Criminal Misc. Application No. 210/2026.

Exh.

**Applicant : Igrambhai @ Vikrambhai Dasrathbhai @
Dasariyabhai Davar**

Age:- 32 Years ,

Occupation:- Agriculture work

**Residing at :- Badi Sirkhadi, Davar Faliya,
Taluka :- Sodhva, District-Alirajpur (M.P.)**

Vs.

Opponent : State of Gujarat.

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

APPEARANCE :

Ld. Advocate for the applicant : Mr. M. I. Mansuri

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.11184001240033/2024** registered with **Bodeli Police Station** for the offenses punishable under **Sections 365, 376(2)(n), 376B, 342, 323, 504, 506(2) & 114 of the Indian Penal Code.**

2. Succinctly stated, the facts of the case, as emerging from the F.I.R. dated 08/01/2024, are that the complainant was in love with the present accused, namely Vikrambhai Dashriyabhai, and married with him around 12 years ago. Since the complainant was unable to conceive a child, disputes allegedly arose between them, as the accused was addicted to alcohol and was not engaged in any productive work, which ultimately resulted in divorce between them. Thereafter, the complainant remarried another person and both started residing in a village of Bodeli Taluka, where they were earning their livelihood as agricultural labourers and residing in a hut situated in the agricultural field. It is alleged that on the night of 05.01.2024, the accused persons came to the place where the complainant and her husband were residing, abused the complainant regarding her remarriage, abducted both of them in a Toofan vehicle and took them to their native village situated in District Alirajpur, Madhya Pradesh. It is further alleged that both the complainant and her husband were tied to trees and assaulted, and thereafter the accused Vikrambhai took the complainant to the field and subsequently to his residence, where he allegedly committed rape upon her on two occasions. On the basis of these allegations, the aforesaid FIR came to be registered and he was subsequently arrested on 11/01/2024. Thereafter, upon filing of the charge-sheet, the applicant had filed bail application has been preferred by the applicant–accused seeking his release on bail.
3. As earlier the applicant moved this court seeking to release on Regular Bail vide Criminal Misc. Application No. 60/2024 & 165/2026 which came to be rejected with reasoned order on dtd. 18/03/2024 & 25/05/2026 respectively.

4. 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.6 and submitted that looking to the nature and gravity of the offence, this application be rejected. On service of notice to the complainant, she is not present before the Court.
5. Ld. Counsel Mr. M. I. Mansuri appearing for the applicant-accused has reiterated the facts of the application and further submitted that the applicant-accused is innocent and he has been falsely implicated in the alleged offence. It is further submitted that the investigation of the present offence is completed and charge-sheet has already been filed and Session Case No.13/2024 is pending before this Court. The applicant has remained in judicial custody for about 860 days and continued incarceration would amount to pre-trial punishment, thereby infringing the valuable right guaranteed under Article 21 of the Constitution of India. That the applicant-accused has not played any direct or indirect role in the alleged offence. It is further submitted that there was a delay in lodging the complaint and there is no prima facie case against the applicant. It is submitted that the applicant-accused is not having any criminal background and he is permanent resident of village mentioned in the title and he would not abscond and will abide by all the terms and conditions imposed upon him. No specific history of forcible sexual intercourse was narrated by the prosecutrix before the Medical Officer and no injuries suggestive of rape were found during medical examination. The doctors examined in the case have also admitted during cross-examination that the injuries were old and could occur due to slipping or falling and that there were no signs of assault as alleged in the complaint. The Ld.

counsel further submits that important prosecution witness Ramlabhai Awasiya, during cross-examination, admitted that the complaint was filed with an intention to extract money from the accused persons and that no such incident had actually taken place. The said witness also admitted that the injuries could have been caused due to accidental fall while working in the field. Thus, material contradictions and inconsistencies have emerged during trial which create serious doubt regarding the prosecution case. It is further submitted that the applicant is a permanent resident having roots in society and there is no possibility of absconding or tampering with evidence. The applicant has no criminal antecedents and undertakes to abide by any condition that may be imposed by this Hon'ble Court. Relying upon the settled principles laid down by the Hon'ble Supreme Court in *Satender Kumar Antil vs. CBI* and *Sanjay Chandra vs. CBI*, it is submitted that "bail is the rule and jail is the exception," and therefore the applicant deserves to be enlarged on regular bail on suitable terms and conditions. The Ld. Counsel for the accused has relied upon the case title of R/Criminal Misc. Appln. (For quashing & Set aside FIR/Order No.2811/2025).

6. *Per contra*, Ld. A.P.P. Mr. J. B. Purani appearing for the Opponent-State has objected this application and drawn attention of this Court towards the affidavit filed by the Investigating Officer vide Exh.6 and further submitted that, the applicant is charged with a serious offence of the accused persons had subjected the complainant to rape, abduction and beating and the role of the present applicant is not similar to the other accused person who is released on bail. Hence, it is submitted that the present application be rejected.

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 heard the Ld. counsel for the applicant–accused and the Ld. Additional Public Prosecutor for the State. I have also carefully perused the F.I.R., the charge-sheet, as well as the affidavit filed by the Investigating Officer at Exh.-06. It is an admitted position that the present applicant–accused had earlier preferred a regular bail application, which came to be rejected on merits. The present application is, third bail application filed by the applicant-accused and second after charge sheet as earlier bail application has already been rejected by this Court after deciding the same on merits. In the present bail application also the applicant has failed to established any substantial and material change in circumstance, since the rejection of his previous bail applications on merits. The contentions raised by the Ld. Counsel for the applicant-accused that prosecution case has been weakened because the independent panch witness and the prosecutrix father-in-law have not supported the case of the prosecution is legally untenable at this stage. It is settled proposition of law that if one or two witnesses does not support the case of the prosecution, it does not dismental the case when the prosecutrix herself supported the case of the prosecution

and supported the prosecution narrative during her deposition. Her direct evidence aligned with the medical history given to the medical officer reinforces the specific and active role attributed to the applicant. Furthermore, the plea of parity raised by the applicant accused is also not tenable as the principle of parity cannot be applied mechanically as the role of the applicant accused is quite distinct, severe, and direct and his case stands on different footing from other co-accused.

9. Furthermore, the contention regarding delay in lodging the FIR and alleged discrepancies in medical evidence are matters requiring detailed appreciation of evidence and cannot be conclusively examined while deciding the present bail application. At this stage, the Court is only required to examine whether a prima facie case made out against the applicant-accused and whether discretion should be exercised in favour of the applicant. It is also to be noted that there has been no substantial change in circumstances warranting reconsideration of the earlier orders.
10. Considering the overall facts and circumstances of the case, the material on record, and the absence of any change in circumstances, 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 :

The present Regular Bail Application No. 210 of 2026 filed by the applicant-accused **Igrambhai @ Vikrambhai Dasarathbhai @ Dasariyabhai Davar**, in connection with Cr. No.-FIR being

No.11184001240033/2024 registered with **Bodeli** Police Station is hereby, **rejected**.

Pronounced and signed today on this 7th Day of July, 2026.

Date : 07/07/2026.
Place: Bodeli.

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