

**IN THE COURT OF 2<sup>nd</sup> ADDITIONAL SESSIONS JUDGE  
& SPECIAL JUDGE (POCSO), AT GANDHINAGAR**

**Exh. 6**

**CRIMINAL MISC. APPLICATION NO. 403 OF 2026**

**Applicant:-**

1. Pradipkumar Ramlutavan Gautam  
Age:- 21 Yrs., Occupation:- Labour,  
Residing at Patel Vas, Nr. Mahakali Mata  
Temple, Koteshtar Gam, Motera,  
Chandkheda, Ahmedabad,  
Permanent resident at Bhakhau,  
Ta. Milkipur, Thana Khandasa,  
Dist. Ayodhya, Uttar Pradesh.

**Vs.**

**Opponent:-**

1. The State of Gujarat सत्यमेव जयते  
Through O/o Dist. Govt. Pleader,  
District Court, Gandhinagar.
2. Kamlesh Kumari Radhelal Gupta  
Age:- 42 Yrs., Occupation:- Household,  
Nr. Mahakali Mata Temple, Koteshtar Gam,  
Motera, Chandkheda, Ahmedabad.  
Permanent resident at Ta. Tiloi,  
Dist. Amethi, Uttar Pradesh.

**Subject:-** Application for Regular Bail U/s. 483 of the  
Bharatiya Nagarik Suraksha Sanhita, 2023.

**Appearance:**

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Mr. V.K.Vashi, Learned advocate for the  
applicant.

Mr. H.N.Raval, Learned D.G.P. for the State.  
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**J U D G E M E N T**

1. This regular bail application is filed by the applicant, after filing of charge-sheet against him in connection with FIR registered vide I<sup>st</sup> C.R.No. 11191008250744 of 2025 with Chandkheda Police Station, for the offence punishable under Section 137(2), 87 and 64(2)(m) of The Bharatiya Nyaya Sanhita, 2023 and under Section 3(a), 4, 5(1), 6, 11(vi) and 12 of The Protection Of Children from Sexual Offences Act, 2012 (In short 'POCSO Act').
2. The case of the prosecution, in nutshell, is that the present applicant-accused established relationship of love with the victim(aged 17 years, 7 months and 5 days) and lured victim and on 09.10.2025 at about 06:00 hrs., the applicant-accused called victim at his room at Koteshtar Gam, Motera, Ahmedabad and kidnapped victim from her lawful guardianship and with an intension to commit wrongful act took victim to Kalapur Railway Station, Ahmedabad in autorickshaw and due to non-availability of train applicant-accused travelled with victim in Bus and went to Kanpur, Uttar

Pradesh and from their travelled in train to Ayodhya and from their went to his native at Bhakhauli, Mulkipur, Ayodhya, Uttar Pradesh where he kept victim for two days and from their took victim to Niyava Teli Tola, Thana-Nagar Kotvali, Faizabad, Ayodhya, Uttar Pradesh, Sons House, Durga Vihar colony house No. 24 where applicant-accused repeatedly committed penetrative sexual assault on victim and thereby committed the alleged offence.

3. On service of notice, the other side has appeared through learned D.G.P. Mr. H.N.Raval and the I.O. has submitted objections on affidavit vide Exh. 5.
4. Learned advocate Mr. V.K.Vashi appearing on behalf of the applicant submitted that the applicant is innocent and falsely implicated in the alleged offence. The applicant is in judicial custody since 31.12.2025. The victim voluntarily left her parental home and the applicant has not forced the victim or kidnapped her. The applicant is very young and has no criminal antecedents. It is submitted that investigating agency have completed the investigation and chargesheet is filed and now there are no chances of any tamper or hamper with the evidence and investigation. As per the allegations made, there is no *prima facie* case against the applicant. The POCSO Case No. 3/2026 is pending before this Court. The trial would take considerable

time. It is submitted that applicant is residing at Motera, Ahmedabad and he is ready and willing to abide by any conditions to be imposed upon him. It is further submitted that the applicant will regularly remain present before the Trial Court during the trial. In view of this matter, there are no any chances of fleeing away from the proceedings of law and the applicant is readily available at the time of trial and therefore, with appropriate conditions whatever the Court deems fit, the applicant may be enlarged on bail.

5. On the contrary, the learned D.G.P. Mr. H.N.Raval has argued that the applicant-accused has committed a offence of very serious nature with a minor victim. The applicant-accused is having his native outside Gujarat and if he is released on bail he will flee away and would not appear during the trial. If the applicant-accused is released on bail he would threaten defacto complainant and prosecution witnesses and hamper the trial. The learned D.G.P. has contended that present application deserves to be rejected.

6. I have heard learned advocates for the respective parties. Looking to the fact and circumstance of the case and considering the allegations made in the FIR, it *prima facie* appears that victim is 17 years, 7 months and 5 days old. The victim being minor, the defence of her willingness or consent, is not a valid defence, in the

eyes of law. The learned advocate for the applicant-accused has contended that the investigating agency have filed charge-sheet and now there are no chances of any tamper or hamper with the evidence and investigation. On this point, I would like to refer the observations made by Hon'ble Supreme Court in the case of *Virupakshappa Gouda And Another Vs. The State Of Karnataka And Another in Criminal Appeal no. 601 of 2017 dated 28.03.2017*, wherein the Honourable Supreme Court held that:-

"On a perusal of the order passed by the learned trial Judge, we find that he has been swayed by the factum that when a charge-sheet is filed it amounts to change of circumstance. Needless to say, filing of the charge-sheet does not in any manner lessen the allegations made by the prosecution. On the contrary, filing of the charge-sheet establishes that after due investigation the investigating agency, having found materials, has placed the charge-sheet for trial of the accused persons."

7. In view of the record and case papers, *prima facie* case is made out against applicant-accused and he is a main accused. The contention of learned D.G.P. Mr. Raval that if the applicant-accused is released on bail he would threaten the victim and defacto complainant and he would flee away, cannot be brushed aside. Therefore, considering the facts of the case, gravity of

the offence, nature of allegations and role attributed to present applicant-accused, this court is of the view that judicial discretion cannot be exercised in favour of present applicant-accused. Hence, following order is passed:-

**:: ORDER ::**

1. The present application is hereby rejected.

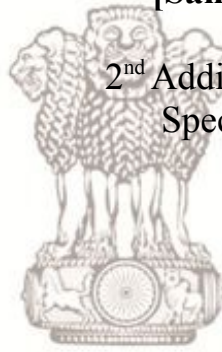
Signed and pronounced in the open Court on this  
23<sup>rd</sup> day of March, 2026.

Dated: 23/03/2026

Place:-Gandhinagar

**[Sanjivkamal V.Sharma]**  
**GJ00536**

2<sup>nd</sup> Additional Sessions Judge &  
Special Judge (POCSO)  
Gandhinagar



सत्यमेव जयते

//S.A.//