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Registered On	17-02-2026
Decided On	10-03-2026
Duration	YRS MTS DYS
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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
GIR-SOMNATH AT UNA.**

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Criminal Misc. (Bail) Application No. 38 of 2026

Exh. - _____

Kailashben @ Kayuben Kalubhai Solanki,
Age:-28 years, Occupation :-Diamond polishing work,
Residing at:- Dron road, Near Kumar School,
Gir-Gadhada, District Gir-Somnath. **....Applicant**

Versus

The State of Gujarat **....Opponent**

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Ld. Advocate Mr. M. H. Bambhaniya for the applicant.

Ld. A. P. P. Mr. M. K. Gohel for the opponent – State.

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**Subject:-Application under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 for regular bail.**

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

1. The applicant/accused has preferred the present bail application for regular bail under the provision of Section 483 of the Bhartiya Nagrik Suraksha Sanhita 2023 in

relation to offense punishable under Sections – 137(2), 87, 64(2)(f)(m) and 54 of the Bharatiya Nyay Sanhita and Sections - 3(a), 4, 5(1)(n), 6, 9(1)(n), 10 and 17 of the POCSO Act, in connection with FIR registered vide C.R. No.11186001260025 of 2026 at Gir-Gadhada Police Station.

2. Ld. Proxy Advocate Mr. A. M. Naqvi for the applicant/accused has submitted that, the applicant has been arrested in the above offense on 13/02/2026 and produced before this Hon'ble Court and this Hon'ble Court has send the applicant/accused in judicial custody and since then the applicant/accused is in judicial custody. It is also submitted that, this is the first bail application of the applicant/accused. It is also submitted that, it is alleged against the applicant/accused in the complaint that, daughter of Radhiben Solanki - i.e. Kailashben (present applicant) doing the work of diamond polishing along with the complainant's daughter - i.e. the victim. That, on 08/01/2026 the complainant and her daughter - i.e. the victim went for the diamond polishing work at the factory of Rameshbhai at Gir-Gadhda and then after the victim told the complainant that, her health is not well and she wants to go at home and therefore complainant and victim returned at home and then after the complainant again went for diamond polishing work, at that time, his relative Mayaben told to the complainant that, the victim is having

mobile phone and Bhadabhai Bhagubhai Baraiya gave mobile number to victim and therefore, the complainant again went at his home and asked her daughter/victim about that and the victim replied that, Bhadabhai Baraiya gave mobile number to her. After that, the complainant gone at the house of Bhadabhai Baraiya, but he was not present there and the complainant returned to his home, where the complainant did not found her daughter/victim at his home and therefore the complainant search her daughter every where and also asked to his neighbor about that, ultimately he could not found/trace out his daughter. Thenafter, the complainant went at the house of Radhiben but she was not present at her home and daughter of Radhiben - i.e. Kailashben and her son Jitubhai also not found at their home and their mobile phone were also switched off and therefore the complainant doubted that, the son of Kailashben - i.e. Jitubhai abducted/kidnapped his daughter/victim from the lawful custody of her father for bad intention and therefore the complainant filed the police complainant against accused - Jitubhai Kalubhai Solanki before the Kodinar police station. It is also submitted that, the present applicant has been falsely implicated in the alleged offense. It is also submitted that, the applicant has not helped the accused in kidnapping the daughter of the complainant – i.e. the victim. It is also submitted that, the trial may take long time and if the applicant will remain in custody for a long time, then it

will amount to a huge loss to the applicant and her family also. That, the applicant/accused is not having any criminal history and she has not committed any offense as stated by the complainant, but the applicant has been falsely implicated in the commission of the above offense and if the applicant is kept in judicial custody for a long time, she will suffer a great loss. Therefore, it is urged to release the applicant on regular bail. The applicant is ready and willing to abide by all the terms and conditions which may be imposed by this Hon'ble Court and regularly remained present during the trial of the case. Further, the applicant/accused is innocent and residing with her Gir-Gadhda family and therefore, it is urged to release the applicant on regular bail with appropriate conditions.

3. Opponent – State and the original complainant duly served with the notice and accordingly, Ld. A. P. P. Mr. M. K. Gohel appeared on behalf of the State and Mr. N. A. Vaghela, Incharge Police Inspector, Gir-Gadhda Police Station, has filed his affidavit at Exh.5.
4. Ld. A. P. P. Mr. M. K. Gohel for the prosecution objected the present bail application and submitted that as per the affidavit of the Investigating Officer, the present applicant/accused and other accused in spite of knowing the fact that the victim is a minor, kidnapped/abducted the victim girl and as per the statement of the victim, on

08/01/2026, accused Jitubhai Kalubhai Solanki and co-accused Kailashben abducted the minor daughter of the complainant - i.e. the victim and accused Jitubhai Kalubhai Solanki raped upon the victim at Vanthali, Naredi and Rajkot and frequently made physical relation with the victim and thereby the present applicant helped the accused Jitubhai Kalubhai Solanki in commission of the alleged crime. It is also submitted that, if the applicant/accused will be enlarged on bail then there are possibilities that the applicant/accused will not be available during the trial and also flee away from the justice. The applicant/accused may be enlarged on bail then again the applicant/accused may involved in similar kind of offenses. Further, it is submitted that if present applicant may be enlarged on bail then there are possibilities that applicant may harm the prosecution witnesses and therefore, the present bail application may not be allowed.

5. The original complainant also filed her objections vide Exh.7 and thereby strongly objected the present bail application and also submitted that, if the present applicant/accused is released on bail, it is strong possibility that the applicant/accused shall try to pressurize the complainant to make compromise and also for withdrawing the complaint. It is also strong possibility that, the applicant/ accused shall temper and hamper with

the evidences and the witnesses, if the applicant/accused be released on bail and therefore, she urged to dismiss the present bail application.

6. Heard the Ld. Advocate for the applicant/accused and Learned A. P. P. Mr. M. K. Gohel for the state at length and also consider the objections filed by the original complainant. I have perused the case papers, affidavit of the Investigating Officer and the statement of the victim. Considering the material available on records, it appears from records that, on 08/01/2026 the complainant and her daughter - i.e. the victim went for the diamond polishing work at the factory of Rameshbhai at Gir-Gadhda and then after the victim told the complainant that, her health is not well and she wants to go at home and therefore complainant and victim returned at home and then after the complainant again went for diamond polishing work, at that time, his relative Mayaben told that, the victim is having mobile phone and Bhadabhai Bhagubhai Baraiya gave mobile number to the victim and therefore, the complainant again went at his home and asked her daughter/victim about that and the victim replied that, Bhadabhai Baraiya given mobile number to her. After that, the complainant gone at the house of Bhadabhai Baraiya, but he was not present there and the complainant returned to his home, where the complainant did not found her daughter/victim at his home and therefore the

complainant search her daughter every where and also asked to his neighbor for that but he has not found/trace out his daughter. Thenafter, the complainant went at the house of Radhiben but she was not present at her home and daughter of Radhiben - i.e. Kailashben and her son Jitubhai also not found at their home and their mobile phone also switched off and therefore the complainant doubted that, the son of Kailashben - i.e. Jitubhai abducted/kidnapped his daughter/victim from the lawful custody of her father for bad intention and therefore the complainant filed the police complainant against accused - Jitubhai Kalubhai Solanki before the Kodinar police station. It also appears from the FIR that, the name of present applicant/accused is not mentioned in the FIR and she is in judicial custody from 13/02/2026. Although, the allegation of kidnapping, abducting or inducing the woman to compel her marriage and allegation of rape are not against the present applicant. Those allegations are against the accused No.1.

7. Further, while deciding the bail application, Court has to see that the person who has filed bail application will remain present before the court during the pendency of trial ? No doubt about, Court has to see regarding seriousness of the offense and role of the person who has committed alleged offense, also court has to maintain balance between the personal liberty and society, what

would be the consequences if person may be released on bail. The present applicant is 28 years young woman and she is sister of main accused Jitubhai Kalubhai Solanki and the main allegation of the offense are against the accused No.1. Moreover, Hon'ble Apex Court has given golden principle that, "*Bail is rule and Jail is exception*". Therefore, considering the totality of the facts and circumstances of the particular case on hand court has to decide the bail application. Here, in the present case the applicant is ready to abide all the conditions and regularly remained present during the trial. The applicant is ready to fulfill every conditions. Further, the applicant/accused is permanent resident of Gir-Gadhda and will be available during the trial. So, considering the role played by the applicant/accused in the alleged offence and also considering the principle laid down by the Hon'ble Supreme Court in the case of Sanjay Chadra Vs. CBI, the discretion is required to be used in favour of the applicant/accused with certain conditions, I pass the following order.

-:: O R D E R ::-

1. The present Regular Bail application is hereby allowed.
2. The applicant – Kailashben @ Kayuben Kalubhai Solanki, who is arrested in connection with FIR being C.R. No. 11186001260025 of 2026 registered with Gir-Gadhda Police Station of District Gir-Somnath, for the offences punishable under Sections – 137(2), 87, 64(2)(f)(m) and

54 of the Bharatiya Nyay Sanhita and Sections - 3(a), 4, 5(1)(n), 6, 9(1)(n), 10 and 17 of the POCSO Act, be released on regular bail on her furnishing personal bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety of like amount (with Photo Identity) on following conditions that :

A. The applicant/accused shall remain present before the Trial Court regularly as and when directed or dates fixed ;

B. The applicant/accused shall not directly or indirectly make any inducement, threat or promises to any persons acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.

C. The applicant/accused shall not take undue advantage of his liberty or misuse liberty.

D. The applicant/accused shall not tamper with the evidences or influence the witnesses.

E. The applicant/accused shall furnish her permanent address with documentary evidence like Aadhar Card, Ration Card or Election Identity Card and shall also furnish her Cell Phone Number to the Court and shall not change the same without the prior permission of the Court.

F. The applicant/accused shall not directly or indirectly contact the complainant/victim and shall stay away from the place where the complainant/victim resides, for a period of six months from the date of this order. The applicant/accused shall surrender her passport, if any,

before the Court within a week and if applicant/accused is not having passport, the appropriate affidavit must be filed to the Court. The applicant/accused shall not leave the territory of Gujarat without prior permission of the concerned Court.

3. In the event of breach of any of the above conditions by the applicant/accused, the bail granted by this Court shall stand canceled automatically.
4. Bail bond and surety shall be executed before concerned Court.

Yadi be sent to the concerned Court, concerned Police Station and the jail authority.

Signed & pronounced in the open Court today.

Date :-10/03/2026

Place :- Una.

(Atulkumar R. Patel)

In-charge Additional Sessions Judge,

Gir-Somnath at Una.

UIC No.GJ00710.