

Received On	28-02-2026
Registered On	28-02-2026
Decided On	13-03-2026
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. 52 of 2026**

**Exh. - \_\_\_\_\_**

**Dilipbhai Laljibhai Sankhat,**

Age:-27 years, Occupation:-Electrician,

Residing at:- Village Men, Ta.:-Una,

District Gir-Somnath.

**....Applicant**

**Versus**

**The State of Gujarat**

**....Opponent**

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Ld. Advocate Mr. H. B. Jamani 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 present application has been filed by the applicant/accused under Section 483 of the B.N.S.S. in connection with the offence registered at Una Police

Station vide Crime Register No.11186008260318/2026 under Sections - 64(2)(m) and 351(3) of the Bhartiya Nyay Sanhita.

2. Ld. Advocate Mr. H. B. Jamani for the applicant/accused submitted that, the present applicant/accused is arrested in the above offense on 26.02.2026 and produced before the Court of the Ld. Magistrate and thereafter the applicant/accused filed bail application before the Ld. Trial Court vide Cr.M.A. No. 48 of 2026, which came to be rejected by the Ld. Trial Court on 26/02/2026 and since then the applicant/accused is in judicial custody and therefore he has filed the present bail application before this Hon'ble Court for regular bail. That, this is the first bail application of the present applicant/accused. It is also submitted that, the applicant/accused is innocent and he has not committed any offence and he has been falsely implicated in the offence. It is also submitted that, as per the complaint filed by the complainant, it is alleged that, from last five months the present applicant/accused called the complainant at his house and raped upon her against her Will and also captured the photographs with the complainant and threatened to her that he shall shown the said photographs to the family members of the complainant and also threatened the complainant to kill her, if she will tell about that to anyone and thereby the accused has repeatedly raped upon the complainant against

her Will. It is also submitted that, looking to the complaint, marriage of the complainant is solemnized and she is studied upto the 8<sup>th</sup> Standard. The complainant also stated in the complaint that, she is in love relationship with the applicant and she was talking with the applicant from her home mobile phone number and she was gone at the house of the applicant with her Will. Therefore, looking to the complaint, it appears that, the complainant was in love relationship with the applicant but thereafter she got married and her husband known about that fact and therefore the complainant filed false and fabricated complaint against the applicant/accused. It is also submitted that, the applicant/accused is a permanent resident of village Men of Ta.Una and he is not likely to flee away from justice. That, this is the first bail application filed by the applicant/accused for getting regular bail and there is no any other application is pending before this Court. That, the applicant/accused has produce the audio clip and video clip of the victim and submitted that, there was consensual relationship between them before five months and therefore such allegation of rape may not be established after long time. Therefore, as per the principle laid down by the Hon'ble Supreme Court in the case of Sanjay Chadra Vs. CBI the applicant may be released on regular bail on any suitable conditions.

3. Opponent – State and 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. S. B. Boricha, Police Sub Inspector, Una Police Station, has filed his affidavit at Exh.7.
  
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 applicant/accused called the victim before five months and committed rape against her will and also taken photographs of victim in his phone then the applicant/accused threatened her to circulate the said photographs to her family members and will kill her by any medicine if she talks about the said incident with any other. The applicant/accused also threatened her to kill and committed rape upon her many times at his home. He has also submitted that, the present applicant/accused person is facing charges of very serious crime against the chastity of women which is punishable under Section - 64(2)(m) and 351(3) of the Bhartiya Nyay Sanhita. Ld. Prosecutor Mr. Gohel has also submitted that, the present applicant has repeatedly and forcefully made physical relation with the complainant and committed rape upon her. It is lastly submitted by the Ld. Prosecutor Mr. Gohel that, considering the nature and gravity of the offence and punishment prescribed for this offence, the applicant/accused is not entitled for bail. Hence, the

present bail application of the applicant/accused may be rejected.

5. The complainant also filed her written objections vide Exh.4 and thereby strongly objected the present bail application and also submitted that, the accused called her at his home before five months and committed rape and also taken photographs in his phone. He also threatened her to kill her family members and he also threatened her to kill her parents and forcefully called her at his home and committed rape on her. Lastly, the applicant/accused called her when no one at his home and you come to his home therefore she went at Dilip's house at 11 o'clock and Dilip force her to make physical relationship but she denied even-though Dilip did not agree and made sexual intercourse with her and also taken photographs of her in his mobile though denied. Then Dilip gave reference of said photographs in their talking and call her at his home when nobody present there and made physical sexual relationship against her Will many times and after her marriage he informed her husband about their photographs therefore, her husband deserted her. She informed her family members about the incident and they gave the courage to file the complaint and therefore she filed the present complaint. She is poor and helpless woman and the applicant/accused misuse of her and due to viral said photographs, her life is spoiled in the society and also in

her in-law's. The applicant/accused did such acts with intention and therefore, if he released on bail then it is strong possibility that the accused shall try to pressurize the complainant to make compromise and also for withdrawing the complaint. It is also strong possibility that, the accused shall temper and hamper with the evidences and the witnesses. Therefore, the present bail application is required to be rejected.

6. Heard the Ld. Advocate for the applicant and Ld. A. P. P. Mr. M. K. Gohel for the state at length. I have perused the case papers, affidavit of the Investigating Officer; wherefrom, it appears that, the applicant/accused called the victim before five months and committed rape against her will and also taken photographs of victim in his phone then the applicant/accused threatened her to circulate the said photographs to her family members and will kill her by any medicine if she talks about the said incident with any other. The applicant/accused also threatened her to kill and committed rape upon her many times at his home. The applicant/accused has also uploaded the photographs of the victim taken before marriage on *Instagram*. The complainant has also given her statement before the Ld. Magistrate, as per Section 164 of Cr.P.C., the victim/complainant has supported her contents of complaint in the statement. She has also given her history before the Medical Officer that, the accused Dilip

threatened to her and repeatedly and forcefully raped upon her. Moreover, the charges leveled against the present applicant/accused are very serious and also against the chastity of women which is punishable under Section - 64(2)(m) and 351(3) of the Bhartiya Nyay Sanhita and the present applicant/accused has repeatedly and forcefully made physical relation with the complainant and committed rape upon her. Delay to file complaint is no reason to grant bail application in rape case. Even the complainant has explain the reason for delay. Further, it appears from the FIR that, the name of applicant/accused is mentioned in the FIR and considering the entire records, prima-facie case is also made out against the present applicant/accused.

7. So, looking to the nature and gravity of the allegations leveled against present applicant/accused and as the offence registered against present applicant/accused is certainly against the interest of the society and against the safety and security of women/children and in such circumstances, personal liberty of the present applicant/accused cannot be protected against the interest of the society as the chastity and character of woman is very essential in the rigid society of village.
8. Considering all these aspects and also looking to the grave offense committed by the applicant/accused, this Court

does not find any merit for exercising discretion in favour of the applicant/accused. Therefore, in view of the above discussion, there are no justifiable reasons to exercise discretionary powers vested upon this Court under the provision of Section 483 of Bharatiya Nagarik Suraksha Sanhita, in favour of the present applicant/accused. Hence, in the larger interest of justice, the following order is passed.

**-:: O R D E R ::-**

1. The present Regular Bail application of the applicant/accused - Dilipbhai Laljibhai Sankhat is hereby rejected.
2. Yadi be sent to the concerned police station accordingly.

Signed & pronounced in the open Court today.

Date :- 13/03/2026

Place :- Una.

(Atulkumar R. Patel)

In-charge Additional Sessions Judge,  
Gir-Somnath at Una.  
UIC No.GJ00710.