

GJGS090000672026 	<b>Received On</b>	25.02.2026		
	<b>Registered On</b>	25.02.2026		
	<b>Decided On</b>	07.03.2026		
	<b>Duration</b>	YRS	MTS	DYS
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**IN THE COURT OF 2<sup>nd</sup> ADDITIONAL SESSIONS JUDGE,  
KODINAR.**

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**Criminal Misc. Application No. 17 of 2026**

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

**Applicant : Vashram @ Aryan Aarshibhai Chauhan,**  
Age : 28 Years, Occupation : Labour Work,  
Resident at : Mul Dwarka Road,  
Near Chuna Bhathhi, Kodinar,  
District : Gir-Somnath.

**Vs.**

**Opponent : The State of Gujarat.**

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**Subject :- Application under Section 483 of B.N.S.S. for  
Regular Bail.**

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**APPEARANCE :-**

Learned Advocate for the Applicant : Mr. A. M. Naqvi.  
Learned A. P. P. for the State : Mr. M. K. Gohel.

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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 Kodinar Police Station vide Crime Register No.11186002251599/2025

under Section - 137(2) and 87 of the Bharatiya Nyay Sanhita and Section - 12 and 18 of the POCSO Act.

2. The short fact of the case is that, the complainant has alleged that on 28.08.2025 in the early morning, when the complainant was wake up, she found that the door was not open and her daughter Jashvantiben was not found in her room and therefore she has informed about that to her relatives and she has also inquired about that, but she cannot trace/find out her. Therefore, the complainant filed present complaint before the Kodinar Police Station that, her minor daughter, aged about 16 years, 3 months and 19 days has been abduction/kidnapped by unknown person.
  
3. Ld. Advocate for the applicant/accused has submitted that, looking to the complaint, the alleged incident was happened on 28.08.2025, while the complaint for the alleged incident was lodged on 04.09.2025 - i.e. after the delay on 8 days and there is no any explanation given for such delay by the complainant. It is also submitted that, the present applicant/accused is arrested in the above offense on 23.02.2026 and produced before this Hon'ble Court on 24.02.2026 and since then the applicant/accused is in judicial custody. It is submitted that this is the first bail application of the applicant/accused and the applicant/accused is a poor person and doing the labour work and thereby liability to maintain his family.

4. It is also submitted that, the complainant made false allegation that, her minor daughter has been abduction/kidnapped by the applicant/accused and thereby false charges leveled against the applicant/accused under Sections 137(2) and 87 of B.N.S. It is also submitted that, the victim has viral her recorded voice messages in her voice in her group circle that, her mother forcefully marry her with other male person against her Will and the victim does not wants to marry with him and therefore she has gone with other person with her own Will. That, it is not mentioned in the said viral voice message of the victim that, she is gone with the applicant/accused but the complainant has falsely implicated the applicant only on the basis of doubt and even the complainant not given the name of the applicant in the complaint. It is also submitted that, the applicant has not committed any offence as alleged in the complaint for the offence under Section 8 and 12 of the POCSO Act. It is also submitted that, the applicant/accused is having responsibility of his family. It is also submitted that, the applicant/accused has not committed any crime as alleged in the complaint and the allegations made against the present applicant/accused are false and he has been falsely implicated in the alleged offence. It is also submitted that, the applicant/accused is having permanent resident at Kodinar and also having immovable property there and he will not flee away and abide by any conditions as imposed by the Hon'ble Court

and therefore, as per the principle laid down by the Hon'ble Supreme Court in the case of Sanjay Chandra Vs. C.B.I. the applicant/accused is entitled for bail. Therefore, it is urged to release the applicant on regular bail. The applicant is ready and willing to abide 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 he has not having any criminal background and he will available during the trial and therefore, it is urged that present applicant/accused may be enlarged on bail with the appropriate conditions.

5. Opponent – State duly served with the notice and, accordingly, Learned A. P. P. Mr. M. K. Gohel appeared on behalf of the State and the Investigating Officer has filed his affidavit at Exh.6.
6. 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 inspite of knowing the fact that victim is minor - i.e. only 16 years 3 months and 19 days old, abducted the victim from her parents lawful custody. Therefore, 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.

7. The complainant has also filed her objections to the present bail application vide Exh.5 and thereby opposed the present bail application and submitted that, if the applicant/accused is released on bail, it would pose a serious threat to the life of her daughter and other girls. Therefore, in the interest of justice and to prevent further victimization, it is earnestly requested that the present bail application be rejected and appropriate action be taken. So, kindly reject the bail application of the applicant.
  
8. Heard the Ld. Advocate for the applicant/accused. Learned A. P. P. Mr. M. K. Gohel for the state at length and also heard the complainant. I have perused the case papers, affidavit of the Investigating Officer and statement of the victim. As per the FIR, the complainant has alleged that, on 28.08.2025 in the early morning, when the complainant was wake up, she found that the door was not open and her daughter Jashvantiben was not found in her room and therefore she has informed about that to her relatives and she has also inquired about that, but she cannot trace/find out her. Therefore, the complainant filed present complaint before the Kodinar Police Station that, her minor daughter, aged about 16 years, 3 months and 19 days has been abduction/kidnapped by unknown person. Looking to the entire police papers and the records of the case, it appears

that, the victim has viral her recorded voice messages in her voice in her group circle that, her mother forcefully marry her with other male person against her Will and the victim does not wants to marry with him and therefore she has gone with other person with her own Will. Further, it also appears from the case papers that, the victim has given statement before the police that, she is in love with the Aryan Chauhan - i.e. the applicant/accused and they both have contacted with each other through Instagram. That, the applicant - Aryan has proposed for engagement with the victim but victim's mother refused/denied the said proposal of the applicant and victim wants to marry with the applicant only and therefore, she told to the applicant her mother would get engaged the victim with someone else, so the applicant should take her away. Therefore, on 28/09/2025 at about 2.30 p.m. the applicant came at her house on the request of the victim and victim left her house on her own Wish and gone away with the applicant on Motorcycle and during this time the applicant - Aryan has not forcefully made physical relation with the victim. Therefore, considering the statement of the victim and her viral voice messages, there is reason to consider the submission of the applicant on prima-facie basis that, 'the on the basis of applicant/accused abducted the victim girl from her parents lawful custody against her Will and Wish.' Moreover, it also appears from the case papers of the investigation, that the age of the victim is 16 years, 3

months and 19 days now. The applicant has also submitted that, the victim is not willing to go with her mother/complainant and she has been kept in shelter home. Further, there is no any justifiable reasons for which the bail can be denied to the present applicant/accused. Moreover, the present applicant/accused is having responsibility of his family and he is having permanent residence at Kodinar and there are no any materials which can suggest that the present applicant/accused is likely to flee away from justice and tempering with the evidences. Moreover, there is no any extra ordinary circumstance against the applicant/accused as per the police papers. 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. 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, the Court has to decide the bail application. Further, the applicant/accused is resident of Kodinar, District Gir-Somnath and will be available during the trial. Therefore,

this Court is of the considered opinion that this is fit case to exercise discretion in favour of the present applicant/accused and he may be released on bail on certain conditions , hence, following order is passed.

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

1. The present regular bail application is hereby allowed.
2. The applicant - Vashram @ Aryan Aarshibhai Chauhan, who is arrested in connection with FIR being I - CR. No.11186002251599/2025 at Kodinar Police Station of District Gir-Somnath for the offence punishable under Sections - 137(2) and 87 of the Bharatiya Nyay Sanhita and Section - 12 and 18 of the POCSO Act, be released on regular bail on his furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety of the like amount (with Photo Identity) on the following conditions that :
  - A. He shall remain present before the Trial Court regularly as and when directed or dates fixed ;
  - B. He 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. He shall not take undue advantage of his liberty or misuse liberty.
  - D. He shall not tamper with the evidences or influence the witnesses.

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

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

3. In the event of breach of any of the above conditions by the applicants, 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.

**Pronounced in the open Court today on this 7<sup>th</sup> Day of March, 2026.**

Date :- 07/03/2026  
Place :- Kodinar

2<sup>nd</sup> Additional Sessions Judge,  
Gir-Somnath at Kodinar.  
UIC No.GJ00710.