

GJJM010017842026  35 CRMA S/645/2026	 सत्यमेव जयते	Filed on	18.05.2026
		Registered on	18.05.2026
		Decided on	01.06.2026
		Duration	00Y 00M 14D
		Exh.	

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
JAMNAGAR**

CRIMINAL MISCELLANEOUS APPLICATION No.645 OF 2026

Sunil Maganlal Makwana Aged : 23 Years, Occu.: Labour work R/o. Village Jaliya Devani, Taluka Dhrol, District Jamnagar. <u>(At present in Observation Home, Rajkot).</u>		Applicant.
Versus		
The State of Gujarat Through: D.G.P. Jamnagar.		Opponent.

Appearance:

Learned Advocate Mr.V.K.Chhaya for the applicant.

Learned P.P. Mr.J.K.Bhanderi for the opponent.

**APPLICATION UNDER SECTION 483 OF BHARATIYA
NAGARIK SURAKSHA SANHITA, 2023.**

J U D G M E N T

- (1) The present application is preferred by applicant to release on regular bail in connection with F.I.R. No.I/35/2019 dated 09.07.2019 registered with Dhrol Police Station, District Jamnagar for the offence punishable under Section 363, 366, 114, 506(2), 376(D)(A), 354(A) of Indian Penal Code and Section 4, 6, 12 and 17 of the POCSO Act and Section 135(1) of G.P.Act. The application is preferred under Section 12 of Juvenile Justice Act and under Section 480 of Bharatiya Nagarik Suraksha Sanhita, 2023, however, this Court being Court of Sessions, the application is considered as per Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023.
- (2) Learned Advocate Mr.V.K.Chhaya appeared for the applicant and submitted that the applicant is juvenile and presently is at remand home at Rajkot. It is submitted that the applicant had earlier preferred anticipatory bail application, however, the same was rejected and thereafter, he appeared before the Court on 21.01.2026. It is submitted that charge-sheet has been filed and POCSO Case No.07 of 2026 is pending before this Court. It is lastly submitted that there are no likelihood that applicant would come in contact with criminals and would continue his criminal activities. It is lastly submitted that the applicant is present residing at Dhrol, Jamnagar and having no antecedents. Based on above submissions, it is prayed to allow this application.

- (3) Upon issuance of notice, Ld. P.P.Mr.J.K.Bhanderi appeared and filed an affidavit vide Exh.4 and prayed to reject the application.
- (4) As the applicant is juvenile, this Court had directed the District Probation Officer, Jamnagar to file a detailed report with regard to conduct and overall situation of the juvenile. Accordingly, the Probation Officer, District Child Protection Unit, Jamnagar has filed a detailed Social Investigation Report qua the Juvenile vide Exh.5 which is thoroughly produced by this Court.
- (5) Heard Ld. Advocates for the Parties. Perused the application, affidavit of I.O., report of Probation Officer and police papers.
- (6) Before discussing the merits of the case, it would be relevant to refer the judgment of Hon'ble Apex Court in case of **Juvenile Delinquent vs. State of U.P. and Ors. reported in 2026 INSC 387** wherein the Hon'ble Apex Court has provided various guidelines to be followed while deciding the bail application of juvenile.
- (7) In the present case, based on Social Investigation report, Police report and statement of victim recorded under Section 164 of Cr.P.C., the Juvenile Justice Board passed an order on 14.05.2026 to transfer the case of Juvenile before this Court. Perusing the Social Investigation Report Exh.5, it appears that there are no criminal antecedents against the juvenile and his father is expired and mother is very aged and presently the juvenile has attained the age of majority and residing with his wife and three years old daughter. It further appears that the financial situation of juvenile

is poor and there are no likelihood of juvenile to come in contact with criminal if released on bail. It further appears that the juvenile is having no addiction and having no criminal antecedents. It further appears that the investigation is concluded and keeping the applicant behind bar would served no purpose. The applicant is permanent resident of District Jamnagar and hence, his presence can be secured during the trial. Therefore, I deem it fit to exercise my discretion in favour of Applicant. Hence, I pass the following order;

::- ORDER :-

- (1) The present regular bail application stands **allowed**.
- (2) The Applicant namely **Sunil Maganlal Makwana** is ordered to be enlarged on regular bail under 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with FIR bearing Registration No.I/35/2019 dated 09.07.2019 registered with Dhrol Police Station, District Jamnagar for the offence punishable under Section 363, 366, 114, 506(2), 376(D)(A), 354(A) of Indian Penal Code and Section 4, 6, 12 and 17 of the POCSO Act and Section 135(1) of G.P.Act on furnishing the surety of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** and personal bond of the like amount before this Court with following conditions:-

CONDITIONS :-

- a) The applicant shall file a pursis before this court to the effect that he shall remain present during the trial on the

date fix for hearing without fail.

- b) The applicant shall not leave the territory of **Gujarat** without prior permission of this Court and shall deposit his passport, if any, before the Court, within seven days and if not possessing passport then affidavit to that effect shall be filed.
- c) The applicant shall furnish latest proof of his permanent residential address as well as local address alongwith mobile phone numbers to this Court as well as Police Station concerned and shall not change address without prior permission of this Court.
- d) The applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the investigation agency or tamper with the evidence.
- e) Yadi of this order be sent to concerned Police Station and the Observation Home, Rajkot.

Pronounced and signed today in the open Court on this **01st day of June – 2026**.

Place	:	JAMNAGAR	Robin P. Mogera
Date	:	01-06-2026	Additional Sessions Judge, Jamnagar.
			Code No. GJ01539

UMESH