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GJJN200002462026			0	0	6

**IN THE COURT OF 4th ADDITIONAL SESSIONS JUDGE,
VISAVADAR.**

Criminal Misc. Application No. 108/2026

Exh. :

Applicant: **Dayabhai Chanabhai Garsadiya**
Age: 25 years,
Resident: Samatpara,
Dhora Vistar, Tal. Bhesan,
District Junagadh.
(At present at District Prison, Junagadh)

Versus

Opponent: **The State of Gujarat**
Summons through,
District Government Pleader,
Court Building, Visavadar.

Sub. : Temporary Bail Application.

(Bhesan Police Station Crime Registration No.
11203007250176/2025 under section 64(2)(F)(I)(L)
(M),65(2),115(1) of B.N.S. and
Section 4(2),5(L)(M)(N),6,8,12 of POCSO Act)

Appearances:-

Ld. Adv. Mr.K.B.Joshi for the Applicant.

Ld. A.G.P. Mr.V.N.Madhak for the Opponent.

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

1. This application is submitted by the applicant through District Prison Junagadh. District Prison has submitted this application by its O.W. No. UTP/1034/2026/1982, dated 24/05/2026. Applicant has prayed to release him on temporary bail for a period of 15 days.

2. It is further stated by the applicant that he has been in judicial custody for the last 13 months. It is submitted that his residential house is in a damaged condition and requires urgent renovation. The applicant has further stated that his parents have expired and there is no one available to undertake the necessary repair and renovation work. It is also contended that the monsoon season is approaching, and if the required repairs are not carried out immediately, there is a possibility of the house collapsing or suffering substantial damage due to heavy rainfall and strong winds. On these grounds, the applicant has prayed to be released on temporary bail for a period of 15 days.

3. The brief case of the prosecution against the present applicant/accused, in a nutshell, is that the complainant and the

applicant/accused were husband and wife, and they obtained a divorce approximately three months prior to the alleged incident. The complainant and the accused have a minor daughter, aged 12 years and 21 days, and a son, both of whom reside with the accused. It is alleged that the accused physically assaulted his minor daughter by inflicting indiscriminate blows and, taking undue advantage of her tender age, childlike understanding, and vulnerable situation, repeatedly committed rape and sexual abuse with the victim.

4. The notice was issued to the other side. Ld.A.G.P. representing the State, has appeared before this Court, and filed the affidavit of Investigating Officer vide Exh.- 4 to resist the application.

5. At the time of arguments, the learned advocate for the applicant-accused submitted that the applicant has not filed any prior bail application and that the present application is his first temporary bail application. It is argued that urgent repair and renovation of the applicant's house are necessary and that, if the same are not carried out, there is a likelihood of the house collapsing and suffering substantial damage during the forthcoming monsoon season. It is also argued by the learned

Advocate for the applicant that this Court had earlier released another accused on bail in similar circumstances in Criminal Miscellaneous Application No. 93 of 2026. Therefore, it was prayed that the present application be allowed.

6. The learned A.P.P. for the State opposed the application and submitted that the conduct of the accused while in jail has not been satisfactory. It is further argued that the accused had previously made an unsuccessful attempt to escape from jail. Therefore, it is prayed that the present application be rejected.

7. The victim also remained present before the Court and orally submitted that the applicant should not be released on temporary bail. She expressed an apprehension that, if released, the applicant may cause fatal harm to her mother and may also endanger her life.

8. The complainant also remained present before the Court and orally submitted that, if the applicant is released on temporary bail, he may cause fatal harm to them and would not allow them to live in peace.

9. I have heard the Ld.Advocate for the applicant/accused at length as well as Ld.A.G.P. for the State also heard victim and

the complainant. I have also gone through the affidavit of Investigating Officer vide Exh.-4 and also gone through the papers of the Investigation carried out so far.

10. Having considered the submissions advanced by the learned advocates for both sides and upon perusal of the record, it appears that the allegations against the applicant are grave in nature, involving sexual abuse and rape of the victim, who is the daughter of the accused. Further, from the report and details furnished by the District Prison authorities, it transpires that the conduct of the applicant in jail has not been satisfactory. The record indicates that the applicant had attempted to escape from jail custody, though unsuccessfully, and a separate offence in connection therewith has been registered at Junagadh “A” Division Police Station vide C.R. No. 11203023250657/2025. Moreover, the victim as well as the complainant have specifically expressed apprehension that, in the event of the applicant's release, they may be exposed to threats and fatal harm and their ability to live peacefully may be adversely affected. Considering the relationship between the parties and the nature of the allegations, such apprehension cannot be ignored.

11. In view of the gravity of the offence alleged, the

unsatisfactory jail conduct of the applicant, including the alleged attempt to escape from custody, and the genuine apprehension expressed by the victim and the complainant regarding their safety and security, this Court is not inclined to exercise its discretion under Section 483 of the BNSS in favour of the applicant.

12. Moreover there is nothing on record that the house of the applicant/accused is in damaged condition and requires any repair or renovation nor there is any prima facie requirement shown by the applicant/accused to repair the said house. As per the submission of the applicant/accused himself his parents died. The complainant here in this case is the wife of the applicant/accused who live separate from the accused. The victim who is the daughter of the accused also resides with the complainant. Thus there is nothing on record that any person or relative resides in the house of the accused. Therefore also the application is without any merits.

13. Ld. Advocate for the applicant argued that in a similar circumstances this court has allowed the application for interim bail. Every application and case has its own merits and demerits. Here in this case before me the victim is minor daughter of the

applicant/accused himself, who suffers in the hands of the applicant/accused. Considering the apprehension of the victim as well as the complainant and the I.O., this not the fit case for the court to exercise its discretion in favour of the applicant/accused. Hence following final order is passed below this application.

:- O R D E R :-

1. The application, preferred by the applicant-accused, **Dayabhai Chanabhai Garsadiya** for temporary bail under Section 483 of B.N.S.S. in connection with the offence registered with Bhesan Police Station Cr.Reg.No. 11203007250176/2025 is hereby **rejected**.
2. A copy of this order shall be forwarded by e-mail/mail to the concerned jail authority forthwith for information.

Signed and pronounced in the open Court, today on this
03rd day of June, 2026.

Date : 03/06/2026.
Place: Visavadar.

(Hetalkumar Vinodray Joshi)
4th Additional District &
Sessions Judge,
Visavadar.
[Code No:GJ00599]