

	Received on	:	30/05/2026		
	Registered on	:	30/05/2026		
	Decided on	:	02/06/2026		
GJJN200002462026	Duration	Years	Months	Days	
		0	0	3	

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

Criminal Misc. Application No. 110/2026

Exh. :

Applicant: **Anil Nagabhai Barad**
Age: 32 years, Occupation: Farming,
Resident: Sukhpur, Tal. Vanthali,
District Junagadh.

Versus

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

Sub. : Regular Bail Application under section 483 of B.N.S.S.

(Visavadar Police Station Crime Registration No.
11203070260186/2026 under section 64(2)(M)(I), 137(2), 87 and
54 of B.N.S. and Section 4, 6, 8, 12 and 17 of POCSO Act)

Appearances:-

Ld. Adv. Mr.R.J.Dhadhal 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 filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”), seeking his release on regular bail, as he was arrested on 25/06/2026 for the offence punishable under section 64(2)(M) (I), 137(2), 87 and 54 of B.N.S. and Section 4, 6, 8, 12 and 17 of POCSO Act) registered with Visavadar Police Station Crime Registration No. 11203070260186/2026 and has since been in judicial custody for the said offence.

2. It is further stated that applicant has prayed for enlarge him on regular bail and filed this first bail application. It is stated that name of the accused has not been mentioned in the F.I.R.; that offence was occurred on 24/04/2026 and registered on 27/04/2026 with a delay of three days without mentioning proper reason regarding the same, hence the complaint is looking doubtful. The applicant submits that the victim, in her statement recorded before the police on 07/05/2026, did not implicate the present accused and that the subsequent statement recorded under Section 183 of the BNSS contains improved allegations. It is further stated that, due to previous animosity arising out of the applicant's love marriage with the complainant's daughter and a

pending criminal case between the parties, he has been falsely implicated in the present offence. The applicant further states that he is a permanent resident of sukhpur village and engaged in agricultural activities, is the sole breadwinner of his family, and is responsible for the care of his aged parents and his wife has recently delivered a child. It is, therefore, submitted that there is no likelihood of his absconding, that he has no criminal antecedents, and that he is ready to abide by any conditions imposed by the Court, hence prayed to enlarge him on regular bail.

3. The brief case of the prosecution against the present applicant/accused, in a nutshell, is that the applicant, despite being aware that the complainant's daughter was a minor aged about 16 years and 11 months, allegedly misled her and induced the principal accused by assuring him that he would arrange her marriage with the victim. It is further alleged that the present applicant actively instigated and facilitated the commission of the offence by providing such assurance.

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.-7 to resist the

application.

5. At the time of arguments, the learned advocate for the applicant-accused submitted that the applicant has no criminal antecedents. It is further submitted that a criminal case has been registered against the complainant and others for allegedly assaulting the applicant's father. It is also pointed out that the applicant's wife has recently delivered a child and requires his care and support. The learned advocate further submitted that the alleged incident occurred on 24/04/2026, whereas the FIR came to be lodged on 27/04/2026 and the victim's statement was recorded by the police only on 07/05/2026. It is argued that neither the FIR, nor the police statement of the victim contains any specific allegation against the present applicant. It is further submitted that the statement of the victim under Section 183 of the BNSS was recorded only on 25/05/2026. It is also contended that the only allegation against the applicant is that, during a phone conversation, he allegedly stated that he would arrange the marriage of the victim despite her being a minor. However, no call detail records or any other corroborative material connecting the applicant with the alleged offence have been produced by the prosecution. It is lastly submitted that the applicant had

contracted a love marriage with the complainant's daughter, which was not acceptable to the complainant and his family members, and that the present FIR has been lodged out of animosity and as a counterblast to the earlier criminal case. The learned advocate for the applicant-accused argued that the applicant is a young man aged about 32 years and is a resident of Taluka Vanthali. It is further submitted that he has aged parents to support and bears the responsibility of maintaining his family.

6. The learned A.P.P. for the State opposed the application and argued that, despite being aware that the victim was a minor, the present applicant had induced and instigated the principal accused by assuring that he would arrange her marriage. It is further argued that, if enlarged on bail, the applicant may not cooperate with the investigation and there is a likelihood of his absconding. Therefore, it is prayed to reject the present application.

7. The I.O. also remained present and opposed the application. It is submitted that the applicant is the brother-in-law of the victim and, despite being aware that the victim was about 17 years of age, had allegedly encouraged and assisted her in leaving her parental home. It is further submitted that a previous

criminal case had been registered arising out of a dispute that occurred when the applicant had contracted a love marriage.

8. The victim also remained present and orally submitted that the applicant should not be released on bail, as she apprehends danger from him. She expressed fear that, if enlarged on bail, the applicant may assault or threaten her and her family members. She further stated that the applicant had previously assaulted her sister with a stick and that a criminal case in respect of the said incident is presently pending.

9. The complainant also remained present before the Court and orally submitted that the accused had earlier ran away with his middle daughter. He further stated that he is afraid of the applicant, who is a headstrong and aggressive person. According to the complainant, due to fear of the applicant, his family was compelled to leave their native village. He stated that they are presently residing at Lalpur, Taluka Visavadar, whereas they were earlier residing at Piyava, Visavadar. He further submitted that the applicant was residing at Piyava Gir and he doesn't have knowledge about present residence of the accused.

10. 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.-7 and also gone through the papers of the Investigation carried out so far.

11. Having heard the learned advocates for the respective parties and having perused the material available on record, it appears that the role attributed to the present applicant is limited in nature. As per the prosecution case, the applicant, during a telephonic conversation, allegedly stated that he would arrange the marriage of the victim despite being aware that she was a minor. The alleged incident is stated to have occurred on 24.04.2026, whereas the FIR came to be lodged on 27.04.2026. It emerges from the record that the name of the present applicant does not find place in the F.I.R. In the statement of the victim recorded before the police on 07.05.2026, no role was attributed to the present applicant and that allegations against him surfaced subsequently in the statement recorded under Section 183 of the BNSS. Whether such subsequent allegations constitute an improvement or otherwise is a matter to be examined during trial. The record further indicates the existence of previous animosity between the parties arising out of the applicant's love marriage with the complainant's another daughter, and it is also brought to

the notice of this Court that a criminal case is pending between the parties. Without expressing any opinion on the merits of the case and considering the nature of allegations, the role attributed to the applicant, the absence of criminal antecedents, his personal circumstances, and the fact that the investigation can be safeguarded by imposing suitable conditions, this Court is of the opinion that the discretion of granting regular bail deserves to be exercised in favour of the applicant. The applicant is a permanent resident of Village Sukhpur and has roots in society. He is a young man aged about 32 years having aged parents to look after, and his wife has recently delivered a child. Considering his permanent residence and social ties, the possibility of his absconding appears to be remote.

12. Considering all these facts and circumstances, and the well-settled principle that “bail is the rule and jail is the exception,” and the principles laid down in **Sanjay Chandra v. CBI (2012) 1 SCC 40**, this Court is of the view that the accused deserves to be released on bail. His presence can be secured by imposing appropriate conditions. Hence, this Court finds that the present case is fit for granting bail on suitable conditions.

13. In view of the above facts and circumstances, this Court

is of the opinion that the discretion under Section 483 of the BNSS can be exercised in favour of the applicant by imposing suitable conditions to secure his presence during the trial.

:- O R D E R :-

1. The application, preferred by the applicant-accused, **Anilbhai Nagabhai Barad** for regular bail under Section 483 of B.N.S.S. in connection with the offence registered with Visavadar Police Station Cr.Reg.No. 11203070260186/2026 is hereby **allowed**.
2. The above applicant-accused is hereby ordered to be enlarged on bail upon furnishing surety of **Rs.25,000/- (Rupees Twenty Five Thousand only)** and personal bond of like amount of satisfaction of this Court with the following terms and conditions :-
 1. The applicant shall not leave the territorial limits of India without the prior permission of the Court;
 2. If the accused holds a passport, he shall surrender it before the learned Trial Court within 3 days of being released on bail. If he does not hold a passport, he shall file an affidavit to that effect before the Court.
 3. The applicant shall not enter the local limits of Visavadar Taluka where the victim and the complainant are residing, except for attending Court proceedings.
 4. The applicant shall furnish his residential address

with authenticated proof before this Court and shall not change his address without prior permission of the Court;

5. The applicant and his surety shall provide their telephone/mobile numbers and shall inform the Court within seven days if there is any change.
6. The applicant shall not take undue advantage of the liberty or abuse his liberty;
7. The applicant shall not try to tamper or pressurize the prosecution witnesses or complainant in any manner;
8. If breach of any of the above conditions is committed, this Court shall be at liberty to take appropriate action against the applicant.
9. The bail bond shall be furnished before the Registrar cum Nazir of this Court as per the provision of Para 306 of Criminal Manual.

Signed and pronounced in the open Court, today on this
02nd day of April, 2026.

Date : 02/06/2026.
Place: Visavadar.

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