

<b>CRI. MISC. APPL. NO. 276 of 2026</b>	
<b>FILED ON</b>	<b>06-03-2026</b>
<b>REGISTERED ON</b>	<b>06-03-2026</b>
<b>DECIDED ON</b>	<b>17-03-2026</b>
<b>DURATION</b>	<b>DTS - MTS - YRS</b>
	<b>11 00 00</b>

**IN THE COURT OF 3RD ADDITIONAL SESSIONS  
JUDGE,  
KHEDA AT, NADIAD.**

**CRIMINAL MISC. APPLICATION NO. 276 of 2026**

**EXH.**

**1. DHARMENDRAKUMAR @ VIJAYSINH  
NARVATSINH PARMAR,  
AGED: 21, OCC.: FARMING,  
TAL: KODLIDORA, PARMAR FALIYU,  
TAL: THASRA, DIST: KHEDA,  
(IN JUDICIAL CUSTODY)**

**...APPLICANT**

**VERSUS**

**STATE OF GUJARAT**

**....OPPONENT**

**Subject :- APPLICATION FOR REGULAR  
BAIL UNDER SECTION - 483 OF  
BHARATIYA NAGARIK  
SURAKSHA SANHITA, 2023.**

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**MR. S. S. AMALIYAR**  
LEARNED ADVOCATE FOR APPLICANT – ACCUSED  
**MR. D. R. BAROT**  
LEARNED P. P. FOR THE STATE  
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**-: J U D G M E N T :-**

(1) The present application has been filed by the applicant-accused to be released on bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Dakor Police Station C. R. No. 11204021250675 of 2025** for the offence punishable under **Sections 137(2), 87, 64(2)(m) & 65(1) of Bharatiya Nyaya Sanhita, 2023 and Sections 3(a), 4, 5(l), 6 & 18 of the POCSO Act** and the present applicant/accused is in jail, therefore, the present regular Bail Application has been preferred.

(2) Heard arguments of Ld. Advocate Mr. S. S. Amaliyar for the Applicant/Accused and Ld. P. P. Mr. D. R. Barot for the State. Perused the Police Papers and Affidavit, filed by Investigating Officer in this offence.

(3) It is argued by Ld. Advocate on behalf of Applicant-Accused that, his client is innocent and falsely implicated into the present case. It is further submitted that after connivance with each another, FIR was filed with the delay of 1 Day, and there is no explanation of the said delay. It is further submitted that charge-sheet has already been filed before this Court and it is

numbered as Sp. POCSO Case No. 14 of 2026. It is further submitted that the allegations levelled against the present Applicant/Accused is false and frivolous. It is further submitted that investigation has already concluded, hence, there is no possibility of tempering with the evidence. It is further submitted that no discovery and/or recovery is required to be made from the present Applicant/Accused. It is further submitted that Applicant/Accused is local resident of address mentioned in the cause title and there is no reason to flee from justice. It is further submitted that he shall make himself available during the trial and any other further strict conditions, may be imposed by this Hon'ble Court. It is further submitted that Applicant-Accused has the responsibility of maintaining his family. It is further submitted that Bail is Rule and Jail is Exception. It is further submitted that Trial will take time and there will be possibility to pre-trial conviction. By making the aforesaid submissions, he has prayed for allowing the present Application.

(4) *Percontra*, Ld. Public Prosecutor Mr. D. R. Barot appearing for the Respondent-State, by fling written statement, has vehemently objected the present Bail Application and submitted that the present Applicant-Accused has eloped the

survivor and committed the sexual assault. It is further argued that present Applicant/Accused had lured the victim to get married and eloped her and committed multiple sexual assault. It is further submitted that applicant-accused has involved in the present case and committed heinous offence and, hence, looking to the age of the prosecutrix which was 15 Years, 08 Months and 12 Days, at the time of offence and considering the gravity of nature of accusation, captioned Bail Application, is required to be rejected. It is true that chargesheet has filed before this Court, however, there is no change of circumstances in the present case. It is further argued that the present despite knowing that the survivor is in the age of adolescent, he has committed heinous act. It is further submitted that if the present Applicant/Accused is granted regular Bail, there is a likelihood of threatening the cardinal witnesses. It is further submitted that as far as the present case is concerned, the sections leveled upon the Applicant, is subject matter of Trial, hence, this is not fit case to exercise the discretion, in favour of the applicants-accused, therefore, the present Bail Application, is required to be rejected.

(5) I have heard Learned Advocates for the respective parties and perused the material on records including police papers and

affidavit. It is not in dispute that the Applicant-Accused is the accused in C. R. No. 11204021250675 of 2025 for the offence punishable under Sections 137(2), 87, 64(2)(m) & 65(1) of Bharatiya Nyaya Sanhita, 2023 and Sections 3(a), 4, 5(l), 6 & 18 of the POCSO Act. Upon perusing the documents placed along with the present Application, the name and role of the present applicant/accused reflect his *prima facie* involvement in the present case. That the present Applicant/Accused is committed the act, despite knowing that survivor is minor. That the the age of the victim was 15 Years, 07 Month & 27 Days at the time of incident. Moreover, the present Applicant/Accused has committed the Act, which is not acceptable in the Indian Society. Moreover, Trial of the present Accused is in progress. In view of the aforesaid observations made herein above and looking to the peculiar facts and circumstances of the present case, the arguments advanced by Ld P.P. as well as punishment prescribed in the said Act, the present Bail Application preferred by the Applicant/Accused cannot be considered and no discretion is required to be involved in favour of the Applicant/Accused, to entertain the present Application. Even, it is held in the landmark judgments of the Honourable Supreme Court in the case of

**Amarmani Tripathi and Gobar Narayan Singala** gravity of the offence, role attributed by the accused, interest of society, at large, are the criteria to decide bail application. Hence, keeping in mind the guideline of the Hon'ble Supreme Court in the above referred case, this is not the fit case to exercise the discretion in favour of the present applicant/accused, I pass the following final order in the interest of justice.

**-: ORDER :-**

The present Bail Application No. 276 of 2026, filed by the Applicant-Accused under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is hereby **REJECTED**.

Pronounced in the open Court, today on **17th March'**  
**2026.**

Dt. 17/03/2026  
Place : Nadiad

**(PRAKASHKUMAR P. PUROHIT)**  
3rd Addl. Sessions Judge,  
Kheda at, Nadiad.  
**GJ 00685**