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Received on	19-05-2026
Registered on	19-05-2026
Decided on	02-06-2026
Duration	Y. M. D.
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BEFORE THE COURT OF
HON'BLE 2nd ADDITIONAL SESSIONS JUDGE,
KHEDA AT, NADIAD.

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**Criminal Miscellaneous Application No.548/2026.**  
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APPLICANT:~

Parmar Sandipkumar Hamrajbhai
Age : 25, Occupation : Driver,
Residence : Plot Nos.5-19-26, Span Chemicals,
Pandesara, Surat City.

Versus

OPPONENT:~

The State of Gujarat.

For the applicant.	Ld. Advocate Mr. G.L. Parmar
For the State.	Ld. P.P. Mr. D.R. Barot

Anticipatory Bail Application u/S.438 of Cr.P.C. & u/Section
482 of the Bhartiya Nagrik Suraksha Sanhita, 2023.

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

1. The applicant-accused has presented this anticipatory bail application under Section-482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Dakor Police Station vide C. R. No. 11204021260242 of 2026 for the offence punishable under Sections 137(2), 87, 64(2)(m) of Bharatiya Nyaya Sanhita, 2023 and Sections 3(A), 4-5(L), 6, 17 & 18 of the POCSO Act, on the grounds mentioned in the present anticipatory bail application, therefore, present application is preferred to issue necessary direction to the Investigating Officer to release the applicant-accused on the bail in the event of apprehension of arrest.
2. Pursuant to filing of the present anticipatory bail application, notice came to be issued and served upon the opponent and the Ld. Public Prosecutor Mr. D.R. Barot appeared on behalf of the State and filed the affidavit on behalf of the Investigating Officer at Ex.05.
3. Heard the Ld. Advocate Mr. G. L. Parmar/ Mr. H. G. Parmar for the applicant/accused. The Ld. Advocate for the applicant/accused submits that, applicant-accused is innocent and does not commit any offence. It is further submitted that age of the victim is 17 years, 10 months and 25 days. It is further argued that the name of the present Applicant/Accused is implicated only because of allegedly providing aid to the main Accused. It is further submitted that no recovery or discovery is required to be made from the present Applicant/Accused. It is further submitted that

the applicant is not having any criminal history and is a sole bread winner of his family and local resident of address mentioned in the cause title and there is no reason for the Applicant to flee from justice. It is further submitted by the Ld. Advocate for the applicant that the applicant/accused is 25 years old, and there are no antecedent against the present applicant, and if he would not be released on anticipatory bail, his future would be in the dark, and his whole family has to face social stigma. The applicant-accused is permanent resident of the address shown in the cause-title, and he will not flee away during the trial, the applicant will be available during the trial and he will co-operate during the investigation, the applicant will abide by any stringent conditions imposed by this Court, and it is accordingly urged to enlarge the applicant/accused on anticipatory bail.

4. On the other hand, Ld. Public Prosecutor Mr. D. R. Barot has vehemently opposed the said bail application and submitted that, has vehemently objected the present bail application and submitted that the applicant/accused has committed atrocious offence and looking to the age of the prosecutrix which was 17 years, 10 months and 25 days at the time of offence. It is further submitted that the present Applicant/Accused had provided shelter to the main Accused and the victim, despite knowing that she is minor. Further present applicant-accused has been absconding from the date of the lodged F.I.R. and present accused is not found till yet. It is further submitted that, if the

applicant will enlarge on bail, there will be no deterrent effect on the society and further submitted that it is a *prima facie* case, applicant is not co-operating with the investigation and Investigating is at very primary stage so his custodial interrogation is required, hence prayed to this Court not to exercise its discretion.

5. Before advertng to the facts of the case it is necessary to see the settled legal principles regarding grant of Anticipatory bail. The Hon'ble Supreme Court in case of ***Siddharam Satlingappa Mhetre V/s. State of Maharastra, AIR 2011 SC 312***, it is held that: -

"The Provisions Sec.438 of the Cr. P. C. relating to the anticipatory bail need not be invoked only in exceptional or rare cases. Discretion must be exercised on basis of available materials and facts of the particular case. If accused has joined investigation and he is fully co-operating with investigating agency and is not likely to abscond and in that event, custodial interrogation should be avoided. But simultaneously it is also held that the grant or refusal of anticipatory bail should necessarily depend on facts and circumstances of each case."

6. Thus, in view of the facts and circumstances stated herein-above, considering the tender age of the victim, the offence levelled against the applicant/accused, and role attributed to the applicant/accused and the punishment prescribed for the same, hence at this stage, if the accused is released on bail, there would be chances to win over of prosecution witnesses, further it is a *prima facie* case, applicant is not co-operating with the investigation and Investigating is at very primary stage so his custodial

interrogation is required. At this juncture reference is required to be made on the observation made by the Hon'ble Apex Court, in the case of ***Siddharam Satlingappa Mhetre V/s. State of Maharashtra, AIR 2011 SC 312***, wherein, it is observed that the provisions u/S-438 of Anticipatory Bail is shield against the unlawful and unnecessary arrest and for the protection of fundamental right of personal liberty. Such protection and shield of law is available to those persons who abide by Law not to the persons who evade the law. Thus considering the observation made by the Higher Forum in case of Siddharam (supra), when the investigation is still going on and custodial interrogation of present applicant is required, hence this court is of the view that discretion is not to be exercised in favour of the applicant to enlarge him on anticipatory bail. Hence, this Court pass the following final order.

ORDER

1. The present Criminal Miscellaneous Applications No.548 of 2026 filed under Section-482 of Bharatiya Nagarik Suraksha Sanita, to get anticipatory bail is hereby rejected.

Pronounced in open Court on 2nd day of June, 2026.

Date : 02-06-2026.
Nadiad.

(Prakashkumar P. Purohit)
2nd Additional Sessions &
Special Judge~POCSO
Kheda at, Nadiad.
GJ00685.