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Exh:	

**IN THE COURT OF 6th ADDITIONAL SESSIONS JUDGE,
GANDHIDHAM-KACHCHH**

CRL.MISC. APPL.NO.420/2026

Applicant : **Rajak Valimamad Rayshi**
Age : 21 years,
Residing at Village : Bhirandiyara,
Bhandari Vandh, Bhuj-Kachchh.
At present in judicial custody.

Versus

Opponent : **The State of Gujarat**

Appearances

Mr. G. S. Sheikh, L.A. for the Applicant.

Ms. H. P. Gadhvi, ,Ld. A. P. P. for the opponent-State.

Mr. N. H. Gadhvi, the Ld. Advocate for the complainant.

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

1. The present bail application is preferred by the Applicant-accused for grant of bail u/s.483 of BNSS. Accused came to be arrested for the alleged offence under Section 64(2)(m) of BNS, for which F.I.R. bearing C.R. No.11993002260270/2026 came to be registered with Adipur Police Station. The Applicant is in judicial custody since 03/05/2026. Therefore,

the present application is filed to seek relief of enlargement on bail under Section 483 of BNSS.

2. The short and sum substance of the complaint is such that the accused and the complainant being related to each other, the accused frequently remained in contact with the complainant. It is alleged that the accused, against the will and without the consent of the complainant, established sexual intercourse with her in an enclosure situated near her residence. It is further alleged that, during their stay at Barmer, Rajasthan, the accused repeatedly had sexual intercourse with the complainant against her will and without her consent, thereby committing the alleged offence.
3. The Learned Advocate Mr. G. S. Sheikh for the applicant has submitted that the applicant came to be arrested on 02/05/2026 in connection with the aforesaid offence. This is the first bail application of the applicant. The allegations made in the FIR, if taken at their face value, pertain to the period between 13/12/2025 and 21/04/2026, spanning more than four months. However, the FIR came to be registered only on 01/05/2026. The prosecutrix appeared before the police authorities and gave a statement categorically stating that she had gone voluntarily and that no untoward incident or wrongful act had taken place with her. It is submitted that thereafter the prosecutrix was brought under pressure and influence by her family members and was compelled to lodge the present false complaint against the applicant. Therefore,

the allegations made in the FIR deserve to be viewed with caution and the applicant deserves to be enlarged on bail. It is further submitted that both the prosecutrix and the applicant are adults. As per the contents of the FIR itself, the prosecutrix has admitted that she had been in telephonic contact with the applicant for about three to four years. Such circumstances clearly indicate the existence of a consensual relationship between the parties. The applicant is a young person and continued incarceration would have a serious adverse impact upon his future prospects and mental well-being. The applicant has no criminal antecedents and has never been involved in any offence of a similar nature. The applicant belongs to a poor family and is responsible for supporting and maintaining his parents. The applicant places reliance upon the judgments of the Hon'ble Supreme Court in: (i) *Siddharam Satlingappa Mhetre v. State of Maharashtra* (2010 Cri.L.J. 2301); and (ii) *Sanjay Chandra v. Central Bureau of Investigation* (2011 Cri.L.J. 257).

4. The Learned A.P.P. Ms. H. P. Gadhvi appearing for the State has objected this application and submitted that the allegations against the applicant are of a grave and serious nature involving repeated sexual assault upon the prosecutrix against her will. It is further submitted that sufficient prima facie evidence exists against the applicant and that the offence is not merely against an individual but against society at large. Considering the gravity of the accusation, there is a reasonable apprehension that, if released on bail, the applicant may

influence or intimidate the prosecutrix and material witnesses, tamper with evidence, evade the trial, and thereby prejudice the course of justice. Therefore, having regard to the seriousness of the offence, the available evidence, the protection of the victim and witnesses, and the larger interest of society, the applicant does not deserve the discretionary relief of regular bail.

5. The Ld. Advocate Mr. N. H. Gadhvi appearing on behalf of the complainant has filed Written Objection vide Exh: 11 opposing the present bail application mainly on the ground that the allegations against the applicant pertain to a serious and grave offence. It is submitted that the applicant, being a relative of the complainant and having gained her confidence over a period of time, misused the trust reposed in him. The complainant further states that due to fear and emotional distress, she could not immediately disclose the entire incident to her family members, but subsequently narrated the facts and lodged the complaint with their support. It is contended that there exists prima facie material against the applicant and that, if released on bail, he may influence the complainant and prosecution witnesses, tamper with evidence, obstruct the investigation, or otherwise prejudice the fair conduct of the proceedings. The complainant has also expressed apprehension regarding the safety and security of herself and her family members. Considering the seriousness of the allegations, the stage of the investigation, and the likelihood of interference with the administration of justice, it is prayed

that the present application for regular bail be rejected.

6. I have heard the learned Advocate for the applicant, the learned APP for the State, and the learned Advocate appearing for the complainant. I have also perused the FIR, police papers, written objections filed by the complainant, and the material collected during the course of investigation. Upon perusal of the police papers, it transpires that the prosecutrix and the applicant were acquainted with each other for a considerable period prior to the lodging of the FIR. The record further reveals that the prosecutrix had remained in telephonic contact with the applicant for about three to four years. Significantly, this Court also finds from the papers of investigation that there appears to be a document/consent letter indicating that the prosecutrix and the applicant had intended to reside together. Without expressing any final opinion regarding the genuineness, evidentiary value, or legal effect of such document, the same constitutes a circumstance which cannot be ignored at the stage of considering bail and which prima facie lends support to the defence contention regarding the nature of the relationship between the parties. Nothing substantial has been pointed out to indicate that further custodial interrogation of the applicant is required. The applicant is a permanent resident of District Bhuj Kutch and has roots in society. No criminal antecedents have been brought to the notice of this Court. The apprehension expressed by the prosecution and the complainant regarding tampering with evidence or influencing witnesses can be

adequately taken care of by imposing stringent conditions. Mere apprehension, in absence of any concrete material indicating likelihood of misuse of liberty, cannot by itself be a ground to deny bail indefinitely. At this stage, having regard to the nature of the allegations, the period of incarceration undergone by the applicant, the completion of substantial investigation, the absence of criminal antecedents, and particularly the existence of material in the investigation papers indicating that the parties were in contact and that there appears to be a consent letter relating to their living together, this Court is of the opinion that the applicant has made out a fit case for exercising discretionary jurisdiction under Section 483 of the BNSS. Therefore, I pass the following order :

:: O R D E R ::

- (1) This application is allowed.
- (2) Applicant - **Rajak Valimamad Rayshi**, arrested by Adipur Police Station in connection with F.I.R. bearing C.R. No.11993002260270/2026, is hereby released on bail on his furnishing a personal bond for the sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** with one surety of the like amount, on the following conditions :-
 - (a) mark his presence before concerned Police Station on 5th day of every month of English calender between 11:00 AM to 2:00 PM till the trial commence;
 - (b) not to act in a manner injuries to the interest of the prosecution;

- (c) the accused are ordered not to temper with the evidence and not make any hurdle in investigation as well as trial proceeding;
- (d) surrender his passport, if any, to the this court within a week otherwise file an affidavit on this effect;
- (e) not leave the State of Gujarat without the prior permission of this Court;
- (f) furnish the present address of his residence to the I.O. and also to the Court at the time of execution of the bond and shall not change their residence without prior permission of this Court;
&
- (g) Bail Bond to be furnished before the Court concerned.
- (3) Yadi be sent to the concern Court and Police Station accordingly.

Pronounced in Open Court today i.e. on 4th Day of **June, 2026**.

Date: 04/06/2026
Place : Gandhidham

(Rakesh J. Patel)
UID No.GJ 00833
6th Additional Sessions Judge,
Gandhidham.