

Received on : 25/06/2026
Registered on : 25/06/2026
Decided on : 01/07/2026
Duration : 00 00 07
Y M D

**IN THE COURT OF THE SPECIAL JUDGE,
POCSO KACHCHH AT BHACHAU.**

CRIMINAL MISC. APPLICATION NO. 347 OF 2026.

Exh.

Applicant:

Lalo @ Papu Ravabhai Koli

Age: 27 Years, Occ: Farming

R/o. Bhachau-Kachchh

At present in Judicial Custody

V/s.

OPPONENT:

The State of Gujarat

Addl. Public Prosecutor,

Bhachau, Kachchh.

Appearance:

Mr. H. B. Vaghela : Learned Advocate for Applicant

Mr. D. S. Jadeja : Learned APP for the State

J U D G M E N T

1. By way of the present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant accused has prayed to release him on regular bail in connection with the FIR registered at CR. No. 11993004260358/2026 with Bhachau Police Station, Kachchh, for the offenses punishable under Sections 64(2)(I) 65(1) 351(3) the Bharatiya Nyay Sanhita, 2023, and Sections 3(A), 4(2) and 18 of Protection of Children from Sexual Offences.
2. The succinct facts of the case, as transpire from the F.I.R., are that the present offence has been registered for the of-

fences punishable under Sections 64(2)(i), 65(1) and 351(3) of the Bharatiya Nyaya Sanhita, 2023, and Sections 3(a) and 4(2) AND 18 of the POCSO Act, on the allegations that the present accused, Lalo @ Pappu Rava Koli, resident of near Hero Showroom, Sitarampura Area, Bhachau, Kachchh, by extending threats to kill, forcibly established sexual relations with the minor daughter of the complainant aged about 14 years and 10 months, and thereby committed rape upon her. It is further alleged that when the complainant's brother-in-law, Hirji Umar Koli, noticed the accused committing the said act with the victim and attempted to apprehend him, the accused scuffled with him and thereafter fled from the spot. It is also alleged that the accused had threatened the complainant and the victim with dire consequences, including threats to their lives. Consequently, the present F.I.R. came to be registered against the accused for the aforesaid offences.

3. The learned Advocate for the applicant submitted that, it is difficult to believe that the 14-year-old victim, residing with her parents, would go to the place where the accused had allegedly called her. It was further submitted that the victim's maternal uncle, who is stated to have witnessed the incident, appears to be a chance witness. Learned Advocate also contended that, despite the allegation of sexual intercourse, no external injuries were found on the body of the victim. It was lastly submitted that the applicant has only two antecedents, both relating to offences under the Prohibition Act for consumption of liquor, and therefore prayed that the applicant be enlarged on regular

bail.

- 3.1 The learned Advocate for the applicant advanced submissions in support of the present bail application and contended that the applicant is innocent and has been falsely implicated in the alleged offence and he is unmarried. It was further submitted that the trial is likely to take considerable time to conclude and continued incarceration of the applicant would amount to pre-trial punishment. The applicant is a young person having a bright future and family responsibilities, and his continued detention would adversely affect his future prospects. It was also submitted that there is no likelihood of his absconding or fleeing from justice. In support of his contentions, the learned Advocate for the applicant placed reliance upon the judgment of the Hon'ble Supreme Court in Sanjay Chandra Vs. CBI. Lastly, it was submitted that the applicant is ready and willing to abide by any condition that may be imposed by this Hon'ble Court while granting bail.
4. The learned A.P.P. for the State submitted that the applicant is charged with a serious offence. It was further submitted that the allegation against the applicant is serious in nature. It was further argued that bloodstains were found on the clothes of the victim. Therefore, if the applicant is released on regular bail, it may send a wrong message to society and encourage others to indulge in similar criminal acts. Accordingly, he prayed for the rejection of the present application.
5. Having heard the learned Advocate for the parties and perusing the investigating papers and considering the nature

of the offence, taking into consideration the law laid down by the Hon'ble Supreme Court in the various cases.

6. I have given thoughtful consideration to the submissions advanced by the learned Advocates for the respective parties and have carefully perused the investigation papers. I have also taken into consideration the nature and gravity of the accusations, the role attributed to the present applicant, and the material collected during the course of investigation. Prima facie, the record reveals that the victim is a minor girl aged about 14 years, whereas the present applicant is aged about 27 years. The substantial age difference between the applicant and the minor victim is also a relevant circumstance which cannot be overlooked at this stage. The investigation papers further reveal prima facie material indicating the involvement of the present applicant in the alleged offence, and there is also an eyewitness to the incident, namely the maternal uncle of the victim. Having regard to the seriousness of the allegations, the statutory protection available to a minor victim under the POCSO Act, the antecedents of the applicant, and the possibility of his influencing or intimidating the complainant and other material witnesses, this Court is of the considered opinion that no case is made out for exercising the discretionary jurisdiction under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in favour of the applicant. Accordingly, the present application deserves to be rejected.

:: O R D E R ::

1. The present application is hereby **rejected**.

2. The applicant be informed about this order through the Jailor.
3. Yaadi Accordingly.

Pronounced in Open Court today on 1st day of July, 2026.

Date: 01.07.2026

Place: Bhachau

(B. L. Choithani)
Special Judge POCSO,
Kachchh at Bhachau

UNIQUE ID CODE NO.GJ00690

faisal Ahmad