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Exhibit 06

**IN THE COURT OF HON'BLE ADDITIONAL SESSIONS &
SPECIAL JUDGE (POCSO),
MAHISAGAR AT LUNAWADA.**

Criminal Misc. Application No.370/2026

Applicant :-

Satishkumar Mavjibhai Bhembhai Charel
Age - 35 Years, Occupation - Agriculture/ Labour,
R/o. At Amba, Shera Faliyu,
Tal.-Santrampur, Dist.-Mahisagar.

(At present in Sub-Jail Santrampur)

V e r s u s

Opponent :-

The State of Gujarat

Appearances :-

Ld. Advocate **Mr. V. L. Sambhvani** for the applicant.

Ld. Public Prosecutor **Mr. S. R. Damor** for the State.

**Subject : Regular Bail application U/s.483 of The Bharatiya
Nagarik Suraksha Sanhita, 2023**

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

- (1) The present applicant-accused has filed the application for seeking regular bail U/Section-483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with an FIR registered against him in Santrampur Police Station,

Part-I bearing C.R.No.17/2014. The aforementioned offence has been registered against the accused U/Secs.363, 366, 376 (2) (N) and 114 of the Indian Penal Code (hereinafter referred to as "the IPC") along with Secs.4, 5 (L), 6, 16, 17 of The Protection of Children from Sexual Offences (POCSO) Act, 2012 (hereinafter referred to as "the POCSO Act").

- (2) The applicant-accused, in his application, has averred that, according to the allegations levelled against applicant along with others, allegedly kidnapped the complainant's daughter who is aged about 17 years and 09 months from the lawful guardianship of complainant. the applicant has been arrested by the Santrampur Police on 11-06-2026 for having committed the offences under the sections mentioned above and produced before this Hon'ble Court on 11-06-2026 and since then he has been in judicial custody. The applicant further contended that the said offence took place on 10-01-2014 and the FIR was lodged against him after a delay of twenty days with mala-fide intention. That the applicant is innocent of the alleged charges and has been falsely implicated in the matter. There is no prima-facie case against the applicant. The applicant has submitted that if the bail application is not granted, he will have to suffer pre-trial punishment. It is further submitted that the accused namely Vinodbhai has married with the victim and they have three children. The applicant bears significant family responsibilities as the

sole breadwinner, and his continued detention would cause undue hardship to his family. It was further submitted that he is not going to flee away from trial and will abide by all the conditions which will be imposed upon him by the Hon'ble Court. It was further mentioned that he is entitled to get bail on the principle of "Bail is rule and jail is an exception". Moreover, the accused No.4 of the present offence has been enlarged on bail by the Hon'ble Additional Sessions and Special Judge, Panchmahal. Moreover, the accused Nos.1 and 2 have been released on bail in Cr.M.A. No.333/2026 by this Hon'ble Court. The present applicant and other accused have filed application for quashing FIR in the Hon'ble High Court but the same has been dismissed on the ground of non appearance. Lastly, on the basis of these grounds he prayed to allow the present bail application.

- (3) The learned Advocate, Mr. V. L. Sambhvani, representing the applicant-accused, argued that the FIR was registered against the applicant on 04-02-2014 and the police arrested the applicant on dated 11-06-2026 i.e. after a long period of about twelve years. It was further argued that the victim has married with the main accused of the offence and they are having three children. It was further contended that the applicant has responsibility to maintain his family and if he is not released on bail then his family will have to suffer. Moreover, the accused Nos.1 and 2 of the offence have already been released by this Hon'ble Court in Cr.M.A.

No.333/2026. Therefore, the present applicant is also entitled to get bail and lastly, the learned Advocate prayed that the present bail application be allowed.

- (4) On the contrary, the learned P. P., Mr. S. R. Damor, appearing on behalf of the State, strongly opposed the bail application and vehemently argued that there is prima-facie evidence against the accused and if he is released on bail then there is possibility that the applicant-accused will try to control and influence the victim and also try to influence the witnesses by creating pressure. It is also possibility that he may flee to escape the trial. He further submitted that the offence attributed to the applicant-accused are of a serious nature, particularly under the POCSO Act. Also, the investigation remains ongoing. Therefore, considering the gravity of the offence and the prima facie evidence against the accused, the learned P.P., Mr. Damor therefore, prayed for the rejection of the bail application.
- (5) Moreover, complainant has filed No objection pursis vide Exh.5, stating that he has no objection to the present bail application of the applicant-accused.
- (6) Heard the learned Advocate Mr. V. L. Sambhvani appearing on behalf of the applicant-accused and the learned P. P. Mr. S. R. Damor representing the State at length and in detail. The Court has also perused the investigation papers and taken into consideration the affidavit of the I.O. vide Exh.4 praying not to grant bail.

- (7) Upon consideration of the facts and circumstances of the present case, it transpires that the present applicant is the co-accused of the offence and earlier the main accused has already been released on bail by this Court. Moreover, the complainant has filed No Objection pursis vide Exh.5.
- (8) Moreover, at this stage, it is necessary to take into consideration the ratio laid down by the Hon'ble Supreme Court in cases of **Sanjay Chandra Versus CBI with Vinod Goenka Versus Central Bureau Of Investigation with Gautam Doshi Versus Central Bureau Of Investigation with Hari Nair Versus Central Bureau Of Investigation with Surendra Pipara Versus Central Bureau Of Investigation** reported in 2011 (0) AIJEL-SC 50709 wherein it was held as under :-

26. When the undertrial prisoners are detained in jail custody to an indefinite period, Art. 21 of the Constitution is violated. Every person, detained or arrested, is entitled to speedy trial, the question is : whether the same is possible in the present case. There are seventeen accused persons. Statement of the witnesses runs to several hundred pages and the documents on which reliance is placed by the prosecution, is voluminous. The trial may take considerable time and it looks to us that the appellants, who are in jail, have to remain in jail longer than the period of detention, had they been convicted. It is not in the interest of justice that accused should be in jail for an indefinite period. No doubt, the offence alleged against the appellants is a serious one in terms of alleged huge loss to the State exchequer, that, by itself, should not deter us from enlarging the appellants on bail when there is no serious contention of the respondent that the accused, if released on bail, would interfere with the trial or tamper with evidence. We do not see any good reason to detain the accused in custody, that too, after the completion of the investigation and filing of the charge-sheet. This Court, in the case of State of Kerala V/s. Raneef (2011) 1 SCC 784, has stated :-

["15. In deciding bail applications an important factor which should certainly be taken into consideration by the

Court is the delay in concluding the trial. Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody- Is Art. 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case- of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail. In the present case the respondent has already spent 66 days in custody (as stated in Para 2 of his counter-affidavit), and we see no reason why he should be denied bail. A doctor incarcerated for a long period may end up like Dr. Manette in Charles Dicken's novel A Tale of Two Cities, who forgot his profession and even his name in the Bastille."]

- (9) So, considering the specific role attributed to the applicant in the alleged offence, the present applicant is the co-accused of the offence and it is further observed that the trial is likely to take long time for conclusion, also the fact that the applicant bears family responsibilities and he is the local resident of the Tal.-Santrampur and his presence can be easily secured during trial. Therefore, denial of bail at this stage would amount to inflicting pre-trial punishment therefore, this Court is of the view that the custody of the applicant-accused is no longer warranted. In light of the foregoing discussion and also considering the ratio laid down by the Hon'ble Apex Court in **Sanjay Chandra (Supra)**, and No Objection pursis vide Exh.5 by complainant, this Court is of the considered opinion that this is a fit case for exercising its discretionary powers in favour of the applicant-accused.

- : ORDER : -

1. The present Criminal Misc. Application is hereby **allowed.**

2. The present applicant **Satishkumar Mavjibhai Bhemabhai Charel** arrested in connection with the offence registered before Santrampur Police Station, Dist.-Mahisagar bearing Part-I C.R.No.17/2014 for the offence punishable U/Secs.363, 366, 376 (2) (N) and 114 of the IPC along with Secs.4, 5 (L), 6, 16, 17 of the POCSO Act, 2012 is hereby ordered to be enlarged on bail, subject to his not being required in any other case, on furnishing personal bond of **Rs.15,000/- (Rupees Fifteen Thousand Only)** with surety of like amount on the conditions that the applicant shall;

- a) not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade from disclosing such facts to the court or police officer;
- b) not take undue advantage of his liberty or abuse his liberty;
- c) not act in a manner injurious to the interest of the prosecution;
- d) surrender his passport before the Court within three days, if he possesses, else produce affidavit to that effect,
- e) furnish the address of his residence to the Court at the time of execution of bond and shall not change the residence without prior permission of this Court,
- f) not to leave the territory of Gujarat till the trial be completed;

- g) mark his presence before the concerned Police Station on Every Monday till the filing of charge-sheet.
3. Bail Bond be executed before the Registrar, District Court, Mahisagar at Lunawada.
4. This order be intimated to the concerned Police Station, if any, for information and necessary action.

Signed and pronounced in the open Court today on this 18th day of June, 2026.

Date : 18.06.2026

Place : Lunawada.

(Naresh Girikant Dave)
Additional Sessions &
Special Judge (POCSO),
Mahisagar at Lunawada.
(Code-GJ00467)

DKumar