



GJMR010005012026



Received on : 02/03/2026
Registered on : 02/03/2026
Decided on : 10/03/2026

Exh. :

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE
MORBI.**

Criminal Misc. Application No.252/2026

Applicant :-

- Kirit Vinodbhai Savariya**
Age - 24, Occupation – Driving
Residing at- Shobheshwar Road, Morbi District –Morbi
At Present- Shobheshwar Road, Morbi District –Morbi

Vs.

Opponents :-

- THE STATE OF GUJARAT,**
- RAMESHBHAI HEMBHA MAKVANA**

**BEFORE SHRI K R PANDYA
ADDITIONAL SESSIONS JUDGE, MORBI.**

Advocates:-

Mr. J. D. Agechaniya, Ld. Advocate for Applicant/Accused.

Mr. N. D. Karia, Ld. A. P. P. for Opponents/State.

:- JUDGMENT :-

- [1] The applicant has preferred the present application seeking deletion or modification of Condition No. 1 imposed by this Hon'ble Court in Criminal Misc. Application No. 1404 of 2025, whereby the applicant/accused was granted regular bail in connection with offence registered at Morbi City B Division vide C.R. No. 1962 of 2025 for offences punishable under Sections 137, 64(1) and 87 of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 18 of the Protection of Children from Sexual Offences Act, 2012.
- [2] The Notice was issued to other side. The Learned Public Prosecutor, representing the State, has appeared before the Court, and resisted the present application.
- [3] Learned Advocate Mr. J. D. Agechaniya, appearing on behalf of the applicant/accused, submitted that the applicant is an accused in connection with the offence registered at Morbi City B Division vide C.R. No. 1962 of 2025 for offences punishable under Sections 137, 64(1) and 87 of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 18 of the Protection of Children from Sexual Offences Act, 2012. Thereafter, the applicant preferred a regular bail application before this Hon'ble Court vide Criminal Misc. Application No. 1404 of 2025, which came to be allowed on 05/12/2025 subject to certain conditions. One of the conditions, namely Condition No. 1, stipulated

that the applicant/accused shall remain present before the Investigating Officer whenever his presence is required for the purpose of investigation during the pendency of the judicial proceedings of the present case and shall appear at such place as may be directed by the Investigating Officer; and upon completion of such proceedings, the applicant/accused shall leave the territorial limits of Morbi District in compliance with this order. It is further submitted that the applicant has scrupulously complied with all the conditions imposed in the said bail order and has not violated any of them.

(3.1) It is further submitted that the present the applicant/accused is residing with his relatives in Rajkot City. However, the family of the applicant/accused resides in Morbi District, and the entire responsibility of their livelihood and maintenance lies upon the applicant/accused. Due to the weak financial condition of the family, it has become necessary for the applicant/accused to improve the financial situation of the family. At the time of the alleged incident, the applicant/accused was carrying on his occupation in Morbi District, and his place of business is also situated within Morbi District. Therefore, it has become necessary for the applicant/accused to enter the limits of Morbi District. It is further submitted that the investigation in the aforesaid offence has already been completed and the Investigating Officer has filed the charge-sheet before the Learned Court, which has been registered as POCSO Case No. 56

of 2025, and the said case is presently pending for trial before the Learned Court. Since the investigation has already been completed and the applicant has been residing outside the limits of Morbi, there is no likelihood of tampering with the prosecution evidence. Therefore, it is humbly prayed that the applicant may kindly be permitted to enter the limits of Morbi and Condition No. 1 of the bail order may kindly be cancelled.

- [4] The Learned A.P.P., Mr. N. D. Karia, has vehemently opposed the present application and submitted that the accused has filed the aforesaid Criminal Miscellaneous Application seeking modification of the condition imposed in the bail order, whereby the accused has prayed for permission to enter the limits of Morbi City for the purpose of carrying on his business. It is further contended by the Learned A.P.P. that the accused resides in close proximity to the residence of the complainant and is engaged in the business of operating a rickshaw. Therefore, if the accused is permitted to enter the limits of Morbi City/District, there is a strong possibility that he may again indulge in similar acts. Hence, the Learned A.P.P. has opposed the present application and has requested that the accused may not be granted permission to enter the limits of Morbi City.
- [5] Heard the learned advocates appearing on behalf of the respective parties. Upon perusal of the record and

proceedings of the case, it appears that the applicant has prayed for permission to enter the territorial limits of Morbi District by seeking deletion or modification of Condition No. 1 imposed in the order passed in Criminal Miscellaneous Application No. 1404 of 2025. The applicant has submitted that such permission is necessary to enable him to carry on his business within the limits of Morbi City. However, considering the facts and circumstances of the case, it appears that though the applicant has sought relaxation of the aforesaid condition, this Court is of the considered opinion that permitting the applicant to enter the limits of Morbi District may create a possibility of tampering with the evidence in relation to the alleged FIR. Moreover, while passing Criminal Miscellaneous Application No. 1404/2025, this Court had considered all the circumstances of the case and, after considering the affidavit of the Investigating Officer as well as the FIR and the other papers put on record by both the parties, this Court had passed the necessary order. Moreover, in this application the applicant has stated that he is disturbed with the monetary loss due to the condition put by this Court in CRMAS No. 1404/2025. It is a well settled principle of law that while considering the bail application only the principles established by the Hon'ble Apex Court as well as the Hon'ble High Court of Gujarat are to be taken into consideration, which I had cited in that Court Miscellaneous application. Here, in the case at hand, the cause stated by the applicant does not fit in the four

corners of the principle established by the Apex Court as well as the Hon'ble High Court of Gujarat in landmark judgments of the Hon'ble Supreme Court as well as the High Court. For the reasons also the application of the applicant is not tenable.. In view of the above, as this Court does not find any merit in the present application, the same deserves to be rejected. Hence, the following order is passed:

:- ORDER :-

The present Criminal Misc. Application No.252/2026, filed by the applicant, namely, **Kirit Vinodbhai Savariya** is hereby rejected.

Signed and pronounced in the open Court on this **10th Day of March, 2026.**

Place: Morbi
Date: 10/03/2026

(Kamal Rasiklal Pandya)
Additional Sessions Judge,
Morbi
Judge Code GJ00739

Hariom