

GJPM010008752026



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**IN THE COURT OF 4th ADDITIONAL SESSIONS JUDGE,
PANCHMAHALS AT GODHRA**

[DECIDED ON : 16.03.2026]

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CRIMINAL MISC. APPLICATION NO. 278 OF 2026

Applicant Navinkumar Shanabhai Pagi
Age : 18 Years, Occupation : Agriculturist,
Residing At :
Agarwada, Taluka : Morva(H),
District : Panchmahals.

V e r s u s

Opponents 1. The State of Gujarat, Gandhinagar.
2. X X X X (Victim)

Appearance

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Mr. D. A. Sheth Ld. Advocate for the applicant
Mr. R. S. Thakor Ld. DGP for the opponent no. 1
Ms. D. J. Joshi Ld. Advocate for the opponent no. 2

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Subject Application seeking to enlarge on Regular bail under
Section 483 of the Bharatiya Nagarik Suraksha
Sanhita (BNSS), 2023.

J U D G M E N T

1. The present bail application is preferred by applicant-accused under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 with respect to offence registered before Shahera Police Station vide CR No. 112070612501100 of 2025 for the offence punishable under Section 137(2), 115, 351(2), 64(2)(m), 65(1) & 352 of Bharatiya Nyaya Sanhita (BNS) and Section 4, 6 & 12 of the Protection of Children from Sexual Offences (POCSO) Act. The Investigation is over and charge-sheet has been filed and registered as POCSO Case No. 9/2026.

2. The crux of prosecution case is that the present applicant came on a motorcycle and called the victim on her mobile phone and asked her to come and meet him, despite knowing that the victim who was aged about 15 years, 7 months and 18 days. It is further alleged that the applicant has threatened the victim that if she did not accompany him, he would kill her and would also commit suicide. Thereafter, the applicant also slapped the victim two to three times and forcibly made her sit in his motorcycle and took her near the river, where he established physical relations with her against her will. Thereafter, by extending further threats, the applicant again made the victim to sit on the motorcycle and took her to

Morva(H) and from there to Kalavada Wadi, where again he established physical relations with her, thereby committing the alleged offence.

3. The Ld. Advocate Mr. D. A. Sheth for the applicant herein would advance his arguments in respect of present bail application stating that the applicant is innocent and has been falsely implicated in the offence. The applicant has no criminal antecedents and has been in judicial custody since 11.12.2025. It is further submitted that the applicant and victim were in a love relationship and family members of the victim have falsely created the alleged incident. It is further submitted that the alleged incident is stated to have occurred on 04.12.2025, whereas the FIR has lodged on 09.12.2025, after a delay of more than 4 days, for which no explanation has been provided in the complaint. It is further submitted by the applicant that the investigation in the present case has been completed and the charge-sheet has already been filed. The applicant is the permanent resident of address mentioned in the said application and undertakes not to abscond, influence witnesses or breach any condition imposed by the Hon'ble Court. The trial of the case will take time. Therefore, the Ld. Advocate for the applicant has prayed to allow the present application.

4. On behalf of the opponent no. 1, Ld. DGP Mr. R. S.

Thakor has remain present as well as Investigating Officer has submitted objection on affidavit vide Exh. 7. The Ld. PP has strongly opposed the bail application and has submitted that despite having knowledge that the victim was a minor who was aged about 15 years, 7 months and 18 days, established physical relations with her, thereby committing the alleged offence. It is further submitted that if the applicant will be released on bail, there is a strong likelihood that he may influence or intimidate the complainant and may even repeat the similar offence. The present applicant had earlier preferred CrMA No. 999/2025 before this Hon'ble Court, which has already been rejected. In view of the seriousness of allegations, the gravity of offence, the age of victim and the prima-facie evidence available on record, the Ld. PP has prayed to reject the present bail application.

5. On behalf of the opponent no. 2 i.e. complainant(victim) appeared through her Ld. Advocate Ms. D. J. Joshi and has submitted affidavit raising objection against the present bail application vide Exh : 5 and the father of the victim also submitted a separate affidavit raising objection against the present bail application vide Exh : 6, wherein, it is requested to reject the present bail application to ensure fair investigation and protection of the victim.

6. Upon considering the submission on behalf of rival parties and on perusing the affidavit filed by IO vide Exh : 7, it appears that the applicant is in judicial custody for the offence punishable under Section 137(2), 115, 351(2), 64(2)(m), 65(1) & 352 of Bharatiya Nyaya Sanhita (BNS) and Section 4, 6 & 12 of the Protection of Children from Sexual Offences (POCSO) Act.

Having regard to the facts and circumstances of the case and considering the age of the victim at the time of the alleged offence, it appears that if the accused will be released on bail, there exists a possibility of repetition of similar offences against the victim. Further, looking to the order of the earlier bail application of the present applicant, it appears that the bail application was decided on merits of the case. The present application has been filed on the ground of change of circumstances as the charge-sheet has been filed. But, merely filing of the charge-sheet cannot be considered as a change of circumstance. Further, the Ld. Advocate for applicant unable to show what circumstances has been changed. Thus, earlier bail application was rejected on merits and no circumstances has been changed thereafter, therefore, no successive bail application can be allowed. In view of the above, this Court is of the opinion that present case is not fit for the exercise of discretionary power of bail. Therefore, following order is passed in the interest of justice.

ORDER

The present regular bail application is hereby **rejected**.

Pronounced in open court today i.e. on 16th March, 2026

Date : 16.03.2026

Place : Godhra

JK

[Rakesh J. Patel]

4th Additional Sessions Judge &
Special Judge (POCSO)

Panchmahals @ Godhra

UIC No. GJ 00833