

	 सत्यमेव जयते	Presented on : 02/03/2026 Registered on : 02/03/2026 Decided on : 11/03/2026 Duration : Y M D 00 00 09
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**IN THE COURT OF SPECIAL JUDGE, POCSO &
2ND ADDITIONAL SESSIONS JUDGE AT RAJKOT**

CRMA NO. 637/2026
EX-09

APPLICANT:
KARAN BADALBHAI DABGIR
AGE: 25, OCCU: LABOUR WORK
ADDRESS:
QUARTER NO. 1535,
GANTESHWAR 25 YDS.
JAMNAGAR ROAD, RAJKOT

AT PRESENT:
CENTRAL JAIL, RAJKOT

VERSUS

OPPONENTS:

1. THE STATE
2. ORIGINAL COMPLAINANT

MR. H. R. BHAYANI – LD. ADVOCATE FOR THE
APPLICANT

MR. A. A. SOSAN– LD. A. P. P. FOR THE STATE
MS. N. P. RAVAL – LD. ADVOCATE FOR THE
COMPLAINANT

|| JUDGEMENT ||

1. The applicant has filed present application under Sec. 483 of B. N. S. S. for grant of regular bail in connection with

Gandhigram Police Station, Rajkot city, Offence Registration No. 11208035250093/2025. Short facts giving rise to the present application are that afore stated offence has been registered under Sections 64 (2) (m), 308 (2), 351 (3) of B. N. S. and Sections 10 & 12 of POCSO Act and Section 135 (1) of G. P. Act and the applicant/accused has been arrested in respect to above offence and hence the present application is preferred to release him on regular bail.

2. According to applicant, he is innocent person, has not committed the crime as alleged by the prosecution, has not committed any offence. He is unnecessarily dragged in the offence and applicant has been arrested in respect to above offence and is innocent person and has not played any role directly or indirectly as alleged by the complainant and is falsely implicated. It is further submitted that the complainant is a designed plot against the applicant but the applicant in fact has not committed or admitted any guilt. Even otherwise, the applicant cannot be said to have committed the crime nor can be said to be abettor of the crime in the absence of any valid evidence against the applicant. On going through the contents of F. I. R., it clearly appears that there was love affair between applicant and complainant and complainant had willingly accompanied him. It is further submitted that chargesheet is filed and investigation is over and now, no recovery or discovery is pending and there is no question of hampering and tampering with the evidences or witnesses of

prosecution and trial of POCSO Case No. 32/2025 has been commenced. It is further submitted that the most of the witnesses have been examined and other are hearsay witnesses. It is further submitted that as per F. I. R., the incident is shown to be happened between 17/07/2024 to 03/08/2024, while the complaint had been filed on 02/02/2025 i. e. almost after 4 months of incident and no specific reason for late F. I. R. has been given by the complainant and if taking the F. I. R. as correct on its face value then also it is a fit case to exercise discretion in favour of the applicant and now no investigation remains pending and there is no question of any recovery or discovery and essential ingredients of the offence for which the applicant is charged have not been made out and there is no prima facie evidence connecting him with the alleged offence, he is having deep roots in the society and so there is no question of fleeing away and the trial would take time and looking to the papers on record, the severity of punishment, etc. has urged to allow this application and release him on regular bail with suitable conditions.

3. Notice of the applicant's application is duly served to the opponents and on behalf of opponent No. 1 State, Ld. A. P. P. has appeared and filed opinion of the investigating Officer, which is taken on record vide Exh. 5, in which the averments of the complaints are reiterated. It is further submitted that applicant/accused had tempted the complainant and when husband of the complainant was in jail, he came to the house of the complainant and asked the

complainant to have physical relation with him and if the complainant denied for the same, he will defame her in the society and when the complainant denied to have physical relation with him, he put knife on the neck of her 3 years old daughter and started to touch her and told her that if she will not allow him to have physical relation with him, he will carry out sexual intercourse with her daughter and under this threat, he carried out forceful sexual intercourse with the complainant. Then after, also applicant had frequently carried out forceful sexual intercourse with her under threat and when complainant denied for the same, there was quarrel between them and therefore, her relatives and neighbour came there and applicant had flee away. It is further submitted that earlier bail applications of the present applicant have been rejected by this Hon'ble Court and there is no change in circumstances. It is further submitted that trial of POCSO Case No. 32/2025 is going on and it is at crucial stage and depositions of witnesses are going to be recorded and if, at this applicant is released on bail, it will badly affect the case of prosecution as there are all possibilities that applicant would pressurize the witnesses. It is further submitted that applicant had frequently raped the complainant by giving threat of killing her children. It is further submitted that there is no change in circumstances and trial of Pocso Case No. 32/2025 is going on and if applicant is granted bail, the applicant would flew away. It is further submitted that if the applicant would be released on bail, he would try to

win away the witnesses and complainant as complainant and applicant/accused are residing nearby and by raising such contentions has urged to reject the present application.

4. The original complainant has been served and she has remained present before the Court through her learned advocate and has submitted written objections vide Exh. 8 against the present bail application and prayed to reject the bail application of the applicant as the applicant/accused is having criminal mind and he will threaten the complainant and her family members and he would again indulge in the same offence and would also harass the family members of the complainant and urged to reject the bail application.
5. Heard learned advocate for the applicant and learned A. P. P. for the State. Read this bail application and perused all the papers produced on record along with the opinion of the Investigating Officer.
6. It is settled principle that liberty of a person should not ordinarily be interfered with unless there exists cogent grounds therefore. In a case of State of **Uttar Pradesh v. Amarmani Tripathi**, reported in 2005(8) SCC 21, the Hon'ble Apex Court held that "it is well settled that the matters to be considered in an application for bail are (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence (ii) nature and gravity of the charge (iii) severity of the

punishment in the event of conviction (iv) danger of the accused absconding or fleeing, if released on bail (v) character, behavior, means, position and standing of the accused (vi) likelihood of the offence being repeated (vii) danger, of course, of justice being thwarted by grant of bail. In above referred authority the Hon'ble Apex Court also held that while a vague allegation that the accused may temper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. It is necessary for the Courts dealing with application for bail to consider among other circumstances, the following factors also before granting bail, they are: 1. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence. 2. Reasonable apprehension of tampering of the witness or apprehension of threat to the complainant 3. Prima facie satisfaction of the Court in support of the charge.

7. I have gone through the F. I. R., chargesheet and police papers produced on record and also considered the opinion filed by the investigating officer.
 - It is pertinent to note that allegations against the present applicant are serious in nature and as per papers on record, he is prima facie involved in

luring and having forceful sexual intercourse with the complainant under threat of killing her children and it is also alleged in the F. I. R. that applicant molested 3 year old daughter of complainant and threaten her, if she will not surrender to him for physical relationship, he will carry out forceful sexual intercourse with her daughter and then after, under the threat of killing her children, had carried out forceful sexual intercourse frequently with the complainant and all these allegations are very serious in nature.

- It is also required to be noted that as per opinion of investigating officer, if bail is granted to the applicant, he would flee away and not remain present at the time of trial. Moreover, applicant and complainant are residing in the same area, he is knowing the complainant very well and there are all possibility of threatening the witnesses and complainant, if bail is granted. Further, when applicant/accused is prima facie appearing to be involved in the offence, there is no question of exercising discretion in his favour.
- Earlier two bail applications of the applicant have been rejected and trial of POCSO Case No. 32/2025 is going on and it is at crucial stage and recording of depositions of witnesses is in progress and there is no change in circumstances.

- It is pertinent to note that the other arguments advanced by learned advocate for the applicant are matter of evidence and cannot be considered at the stage of bail application and arguments advanced by Ld. Advocate for the applicant are not relevant at this stage.
- As stated above, as per the opinion of investigating officer, if bail is granted to the applicant/accused, the applicant would again harass the complainant as they are residing nearby and there is possibility of tempering and hampering with the witnesses and evidence of prosecution and would act prejudicial to the case of prosecution and if in such type of offence, discretion is exercised, it will have very bad impact on the society at large and there does not appear any grounds for exercising discretion at present juncture.
- Ld. Advocate for the applicant/accused has placed reliance on the case Deshraj @ Musa V/s. State of Rajasthan & Anr. reported in 2024 (0) AIJEL-SC 74483

I have gone through the above stated citation at length but the facts and circumstances of cited Judgment and facts and circumstances of the present case on hand are totally different looking to the gravity of offence in present case on hand and

hence, with due respect, this citation is not helpful to the case of present applicant.

8. So, considering the papers on record and discussion made above and it appears that prima facie present applicant is involved in serious offence and there is no change in circumstances after rejection of earlier bail application after filing of chargesheet. Therefore, it is not desirable to exercise the discretion in favor of applicant and the present regular bail application deserves to be rejected and hence, to serve the ends of justice, I pass the following order.

O R D E R

Present Criminal Misc. (Regular Bail) Application is hereby **rejected**.

Pronounced in open Court today on 11th day of March, 2026 at Rajkot.

Date: 11/03/2026
Place: Rajkot

[Tejas S. Brahmbhatt]
Special Judge (POCSO) &
2nd Additional Sessions Judge
Rajkot
Code No.GJ00609