

	 सत्यमेव जयते	Presented on : 11/06/2026 Registered on : 11/06/2026 Decided on : 19/06/2026 Duration : Y M D 00 00 08
--	---	--

**IN THE COURT OF 2ND ADDITIONAL SESSIONS JUDGE
AT RAJKOT**

CRMA NO. 1920/2026
EX- 11

APPLICANT:

AMITSINH PRABHATSINH CHAUHAN
AGE: 30, OCCU: SERVICE
ADDRESS:
VILLAGE LAPASARI
TALUKA & DISTRICT RAJKOT

AT PRESENT:
CENTRAL JAIL, RAJKOT

VERSUS

OPPONENTS:

1. THE STATE
2. ORIGINAL COMPLAINANT
RESIDING AT RAJKOT

MR. B. V. DODIA - LD. ADVOCATE FOR THE APPLICANT
MR. M. G. PIPALIYA – LD. A. P. P. FOR OPPONENT NO. 1
MS. A. S. VAGHELA – LD. COUNSEL FROM DSLR FOR
THE OPPONENT NO. 2

|| JUDGEMENT ||

01. The applicant has filed present application under Sec. 483 of B. N. S. S. for grant of regular bail in connection with Praduman Nagar Police Station, Rajkot city, Offence

Registration No. 11208044260182/2026. Short facts giving rise to the present application are that afore stated offence has been registered under Sections 69 of B. N. S. 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.

02. According to applicant, he has been arrested by Police in the afore stated offence. According to him, he is innocent, not committed the crime as alleged by the prosecution, is not involved in the alleged offence, has not played any role as alleged by the complainant directly or indirectly and he is falsely implicated, the complaint is a designed plot against him but he has in fact 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 him. He has no knowledge regarding the said offence and no case is made out against him and he has been falsely tried to be implicated in the said offence. It is further submitted that he has wrongly been involved in the said offence, the essential ingredients of the offences for which he has been charged are missing and complainant herself has stated in F. I. R. that there was relationship between them and there was love affair and relationship between applicant and complainant was consensual. It is further submitted that chargesheet has been filed and investigation is over and now there is no question of any hampering or tampering with the evidence and no recovery and discovery is

pending. It is further submitted that he is residing with family at the address stated in the application. It is further argued that from the F. I. R. itself, it is evident complainant is major and doing service and she had willingly accompanied the applicant and false complaint has been lodged after using legal mind. It is stated that as per the say of the complainant, there was relationship between complainant and applicant from May, 2025 and present complaint has been filed on 05/03/2026 and complainant has not given any valid reason for filing complaint after long time and it is only stated in the F. I. R. that applicant had promised her to marry her but no such promise was given by the applicant and all the allegations are got up. It is further submitted that no ingredients of Sec. 69 are proved and said section is not attracted in this offence. It is further submitted that applicant is required to be released on bail otherwise his family will suffer a lot. The applicant undertakes to abide by any conditions which may be imposed by the Court so, has requested for bail with suitable terms and conditions.

03. Notice of the applicant's application is duly served to the State and Ld. A. P. P. for the State has appeared and the Investigating Officer has filed the opinion, which is taken on record, in which he has reiterated the averments of the complaint and has further stated that very serious offence is registered against the present applicant, who is a police constable and he is prima facie involved in the said offence and the papers at this juncture, clearly show that

the applicant has committed the crime and further it has been stated that present applicant/accused had given promise to marry the complainant even though he was already married and thus under the temptation of marriage, had carried out the forceful sexual intercourse with the complainant. It is further submitted that earlier anticipatory bail of the applicant was rejected by this Hon'ble Court. It is further submitted that from the chats produced on record, when complainant asked about a photograph of a lady, present applicant stated to her that she is his sister but in fact, photograph was of his wife and thus, though applicant is already married, under the disguise of marriage, she cheated the complainant and carried out forceful sexual intercourse with her under temptation of marriage and from the papers itself, it is proved that from the beginning applicant with preplanning cheating the complainant and all the ingredients of Sec. 69 are fully attracted in this offence. For sake of argument, if it is believed that there was consensual relationship between applicant and complainant but it was under temptation of marriage, complainant had carried out intercourse with him but applicant cheated her. It is further submitted that chargesheet is filed and after thorough investigation, more evidence have come on record and by stating such reasons, has urged to reject the present application. It is further submitted that applicant is a police constable and if he is released on bail, there are all possibilities that he will hamper and temper with the

evidences and witnesses of the prosecution and threaten the complainant and if in such kind of offence, if the applicant is released on bail then it would have very bad impact on the society at large and it has also been stated that the applicant would try to act prejudicial to the case of the prosecution and would try to win over the witnesses and will misuse the liberty and would not remain present during the trial and by raising such contentions has urged to reject the present application.

04. The original complainant has appeared and objected the present bail application of the applicant by filing objections vide 9 by stating that present applicant had under the temptation of marriage, had carried out forceful sexual intercourse with her and therefore, present bail application of the applicant may be rejected.
05. Heard the learned advocate for the applicant and Ld. A. P. P. for the State and considered the papers on record as well as the opinion of investigating officer. and also considered the objections of the original complainant.
06. 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.

07. While deciding the bail application, two aspects in form of individual liberty and social interests are to be considered simultaneously. I have gone through the complaint, opinion filed by the investigating officer and police papers and other papers produced on record.

- It is required to be noted that Chargesheet is filed and investigation is over but as per the opinion of

investigating officer, more evidence have come on record after thorough investigation against the present applicant. Present applicant is a police constable and it is apprehend by the complainant in her objections that if applicant is bailed out, he will threaten her and will hamper and tamper with the evidences and prosecution witnesses.

- It is pertinent to note that allegations against applicant are very serious in nature and as per papers on record, he is prima facie appearing to be involved in luring the complainant, went to home of complainant and telling her that he will marry her and under the temptation of marriage, carried out sexual intercourse with her. Moreover, it was told to the complainant by the applicant that he is unmarried but he was already married, even though under the disguise of marriage with the complainant, he carried out sexual intercourse with her and prima facie, it comes on record that sexual intercourse was the only motive and therefore, prima facie Sec. 69 is attracted.
- Applicant is a police constable and being police of, he cheated civilian lady. Being a police constable, he has more responsibilities but applicant only with intention to carry out sexual intercourse with the complainant, told her that he is unmarried, even though he is already married and in photograph, introduced his wife as his sister to the complainant.

- As per the objections of the complainant, if bail is granted, the applicant would again harass the complainant as she is residing alone and earlier also, applicant had threatened her. It is also required to be noted that anticipatory bail application of the applicant was rejected by this Court. Looking to the papers on record and chargesheet applicant is prima facie appearing to be involved in this offence and hence, there is no question of exercising discretion in his favour.
- As stated above, applicant is a police constable 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 in his favour and hence, present application is required to be rejected and hence to serve the ends of justice, I pass the following order.

ORDER

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

Pronounced in open Court today on this 19th June, 2026 at Rajkot.

Date: 23/02/2026
Place: Rajkot

[Tejas S. Brahmhatt]
2nd Additional Sessions Judge
Rajkot
Code No.GJ00609