

Received on : 12/03/2026
Registered on : 12/03/2026
Decided on : 17/03/2026
Duration : 05/00/00
DD MM YY

**IN THE COURT OF THE 3rd ADDITIONAL DISTRICT & SESSIONS JUDGE,
AT DHRANGADHRA.**

CRIMINAL MISC. APPLICATION NO. 65 OF 2026

Sanjay @ Channo Ukabhai Chauhan

Age: 32 years, Occ.: Labour

R/o. Tankara, Dist. Morbi.

....Applicant

V/S.

Opponents :

The State of Gujarat.

....Opponent.

Appearance:

Mr. B.G.Dharajiya, Ld. Advocate for the Applicants.

Mr. P.B.Makwana, Ld. A.P.P. for the Opponent.

**Application For Regular Bail Under Section 483 Of BNSS, 2023
(Under Section 439 of Cr.P.C., 1973)**

: JUDGMENT :

- 1) The applicant/accused has filed this application under Section 483 of the BNSS, 2023 seeking regular bail in connection with C.R.No.11211016260014/2026 registered with Dhrangadhra Taluka Police Station for the offence punishable under Section 137(2), 87, 64(2)(I)(M) of

Indian Penal Code (for short '**BNS**'), Section **3(A), 4, 5(L), 6, 12, 18** of **Protection of Children from Sexual Offences Act** (for short '**POCSO Act**').

- 2) Heard the Ld. Advocate for the applicants, Mr.B.G.Dharajiya and Ld. A.P.P. for the opponent, Mr. P.B.Makwana.
- 3) The Ld. Advocate for the applicant has strenuously argued that, the applicant is in judicial custody since long. The applicant is innocent person and have been falsely implicated in the present case. The investigation is completed and chargesheet has been filed and Pocso Case No. 4/2026 is pending against the applicant accused. This is the first bail application after filing the chargesheet. It is stated that, there is no particular role of the present applicant. The investigation is completed, therefore there are no chances of tampering with the evidences. The complaint is filed after 20 days delay. It is further argued that, the applicant has the right to defence its case. The applicant accused shall abide with the terms and conditions of this Court. Considering all these aspects, he submitted to grant bail to the accused.
- 4) The notice was issued to the other side. The complainant appeared before this court and has objected the bail application vide Exh. 7 and submitted to reject the bail application of the applicant accused. The Learned APP Mr.P.B.Makwana representing the State and submitted the affidavit of the Investigating Officer at Exh.7 is filed in the present case. The APP Mr.P.B.Makwana has argued that the name of the applicant is there in the FIR from the beginning. Looking to the contents of the affidavit of IO, it appears

that the present applicant accused lured the victim for marriage and has kidnapped the victim and committed sexual assault on the victim. It is submitted that, the victim was aged 15 years 8 months, at the time of incident and the applicant accused knowing this fact has kidnapped the victim from lawful guardianship and committed sexual assault on the victim. The applicant accused have committed heinous crime. Therefore, the present application of the applicant requires to be rejected. Hence, it is submitted to reject the present application.

- 5) Considering the above arguments as well as affidavit of IO at Exh. 7 and police papers, it appears an undisputed fact that the offence was registered before Dhrangadhra Taluka Police Station vide C.R.No. 11211016260014/2026 under Sections 137(2), 87, 64(2)(I)(M) of BNS, Section 3(A), 4, 5(L), 6, 12, 18 of POCSO Act against accused. It has considered the arguments of Ld. Adv. for the applicant regarding contentions of FIR. On perusal of FIR and from the documents produced by the applicant accused as well as perusing the police papers submitted by the investigation officer, it transpires that, the applicant accused knowing the fact that the victim was minor lured her for marriage and kidnapped her from the lawful guardianship and committed sexual assault on the victim. In so far as the present bail application is concerned, it is the first bail application after filing the chargesheet. Moreover, Special Pocso Case No. 4/2026 is pending. The applicant accused has committed serious offence and if the applicant accused is released on bail, then it would be like giving appreciation to commit more

similar crime and also the safety of the women in the society gets jeopardized. Mere filing of the chargesheet are not come within the purview of change of circumstances. The ratio laid down by the **Hon'ble Supreme Court in the case of State of Maharashtra Vs. Ritesh S/O Vasudeo Wanjar, reported in 2001 (2) Crimes 30 (SC)**, it is held as under:-

Important Point

Where the final charge-sheet has been filed Court cannot grant bail to accused on ground of innocence or non-involvement. For this better course is to apply for discharge under Ch.XVIII of Cr.P.C. instead of granting bail under Section 439 of Cr.P.C.

Para 6:- Once the final charge-sheet has been filed in the trial court, the High Court, under the normal circumstances, should have permitted the respondent to get a verdict of his innocence or involvement from that Court under Chapter XVIII of the Code of Criminal Procedure. No exceptional ground has been made out, in the instant case, to depart from such a usual established procedure. The order impugned being contrary to law is liable to be set aside.

- 6) Therefore, considering the role attributed by the present applicant, contentions of FIR and the facts and circumstances of the case, there is a prima facie case and looking to the gravity of offence, it is not found proper to exercise discretion under Section 483 of BNSS (Sec.439 of Cr.P.C.) for enlarging the present applicant on bail. Accordingly, the present application

deserves to be rejected and hence in the interest of justice following order is passed.

:- ORDER :-

- The present application of the applicant – **Sanjay @ Channo Ukabhai Chauhan** in connection with the offences registered vide C.R.No. 11211016260014/2026 with Dhrangadhra Taluka Police Station under Sections 137(2), 87, 64(2)(I)(M) of BNS, Section 3(A), 4, 5(L), 6, 12, 18 of POCSO Act is hereby **rejected**.

The order is pronounced in the open court on **17th** day of **March, 2026** under my hand seal.

Date :17/03/2026
Dhrangadhra.

(Mukeshkumar Pratapbhai Chaudhari)
3rd Additional District & Sessions Judge,
Dhrangadhra.
(GJ00653)