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Exh.	

**IN THE COURT OF THE HON'BLE 6th
ADDITIONAL SESSIONS JUDGE, SURAT.**

CRI. MISC. APPLICATION No. 777 of 2026

Sr. No.	Name of The Applicant	Age	Occupation
	Soheb @ Bablu S/o Bismillah Saiyed, Resident of, House No. 203, Gali No. 9, Ramabai Chowk, Mithikhadi, Limbayat, Surat. At present: Lajpor, Central Jail	23 years	Labour
V/s			
Sr. No.	Name of The Opponent	Age	Occupation
	The State of Gujarat Through District Government Pleader, Surat	-	-

Sub :- Application under the provisions of section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023.

Appearance :-

Ld. advocate for the applicant :- Mr. S. D. Ghuge.

Ld. A. P. P. for the opponent :- Mr. V. L. Faldu.

:- Judgment :-

- The present application has been filed by the applicant accused under the provisions of section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (herein after referred as "**The BNSS**" for short) inter – alia praying for the grant of regular bail in connection with the offense

registered as Part - A FIR No. 11210025260130/2026, registered with Limbayat Police Station, Surat for the commission of the offense punishable under the provisions of Sections 74, 75(1)(i), 78(1)(i) of the Bharatiya Nyaya Sanhita, 2023 (herein after referred to as "The BNS" in short) and under the provisions of section 7, 8, 11(4), 12 of The Protection of Children from Sexual Offenses Act, 2012 (hereunder referred as 'The Act' for short).

2. The matter was kept for hearing of the applicant. However, on given dates, the ld. advocate for the applicant has not remained present before this court and therefore, the application was taken on order. It is contended in the application that, the applicant accused has been arrested on 14/01/2026 in connection with the aforesaid case and has been kept in judicial custody since 15/01/2026. The case of the complainant against the accused is nothing but a concoction. It is further contended that, the applicant is innocent and has committed no offense and if, he be kept in custody, it will amount to pretrial conviction. It is further contended that, the applicant accused has been arrested by the Police on the basis of suspicious only. The applicant accused has not done any offense against the victim. He has further contended that, the applicant is falsely implicated in this case. It is further contended that, the applicant is residing with his family at Surat and he will not flee from the justice and he will abide by the terms & conditions, which may be imposed by this court including conditions not to enter into the area where the victim resides for certain period as this court deems fit. It is also contended that, the applicant accused does not have any past criminal

antecedents as well as the applicant is not charge with serious offense. Therefore, it is prayed that, the applicant may be enlarged on regular bail subject to the suitable conditions.

3. The Id. APP for the State has made his oral submissions by reiterating the contentions raised in the affidavit filed by the IO vide exh. 4. He has mainly submitted that, **despite of knowing that the victim is a minor and has not completed 13 years of her age, on 05/01/2026 when the victim was returning home from school, the applicant accused had stood nearby the ATM of Mithikhadi and used to follow her and on 05/01/2026 at the school leaving time the applicant-accused came near the victim and told "Why don't you look at me ? and you are not even talking to me?" the victim told him that " I don't know you, then why should I talk to you?" and after saying this the applicant - accused has grabbed the hands of the victim and said " You have to talk to me otherwise I will kill you" and therefore, the applicant - accused has committed a serious offense against her will.** It is also submitted that, during the course of investigation sufficient material have been found against him and therefore, prima facie there appears strong case against applicant - accused. Further, it is also stated that, at present, investigation is pending and therefore, if the accused is released on bail than chances of flee from justice can not be ruled out. At present, investigation is pending and thus, considering the nature of allegations leveled against the applicant, the present regular bail application of the applicant may be disallowed.

4. I have carefully gone through the rival contentions raised by the Id. advocate for the applicant as well as contentions raised in the affidavit filed by the I. O. vide exh. 04. I have carefully gone through the principle laid down by Hon'ble The Supreme Court in the matter between Sanjay Chandra V/s CBI, in Cri. appeal no. 2178 of 2011. I have also carefully gone through the police papers and contentions of the complaint. I have also considered the role alleged to be played by the applicant. Except this, nothing further has been attributed against him. I have carefully considered the manner in which the alleged offense is committed, role attributed played by this applicant and the age of the victim and the present accused and aspect of delay in filing the complaint. On perusal of the police papers, prima facie it appears that, substantial investigation is over.

It is settled principle of law that while deciding the bail application, the court is not required to evaluate the merits or evidence in details. The applicant is at present residing at the address mentioned in the cause title and the presence of applicant can be secured during the course of trial by imposing suitable conditions. Further, considering the role of the present applicant, it appears that, no further custodial interrogation is required. Further, it is settled legal position that the accused should not be kept in custody as part of pretrial conviction and bail is rule, whereas the jail is an exception. Thus, considering the principle of personal liberty as envisaged in the Provisions of Article 14 & 21 of the Constitution of India and the factual aspects of the case as well as nature of offense and allegations against the present applicant, this court is of the view that much time

would pass in completion of the trial and if the applicant accused are kept in custody during this period then it would amount to pretrial conviction, therefore, there seems to have reasonable grounds to exercise discretionary power in favour of the present applicant and therefore, in the interest of justice, the applicant - accused is required to be enlarged on bail by imposing the suitable conditions. Hence, in view of the above, this is a fit case to exercise discretion under Section 483 of The BNSS qua the present applicant to enlarge him on regular bail. Therefore, in the interest of justice following order is passed.

ORDER

1. This application No. 777/2026 under the provisions of section 483 of the BNSS, of the applicant is hereby allowed.
2. The present applicant is hereby ordered to be released on bail under the provisions of Section 483 of The BNSS in connection with the offense registered as Part - A FIR No. 11210025260130/2026, registered with Limbayat Police Station, Surat for the commission of the offense punishable under the provisions of Sections 74, 75(1)(i), 78(1)(i) of the Bharatiya Nyaya Sanhita, 2023 and under the provisions of section 7, 8, 11(4), 12 of The Protection of Children from Sexual Offenses Act, 2012 upon his executing personal bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with surety of the like amount to the satisfaction of The Id. Trial Court having jurisdiction to try the offenses and subject to the following conditions that applicants shall;

CONDITIONS

1. He shall not take undue advantage of liberty or misuse liberty.
2. He shall not act in a manner injuries to the interest of the prosecution.
3. He shall surrender his passport, if any, to the Trial court within a week and if, he does possess the same, than file an affidavit to that effect.

4. He shall not leave the Territory of Gujarat without prior permission of the this court.
5. He shall not indulge into any criminal activities.
6. He shall mark his presence at the concerned Police Station on first Monday of each English Calendar month for a period of Six months.
7. He shall furnish the present address of residence to the I. O. and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of this Court.
8. He shall not enter into areas whereas, the de facto complainant and victim are residing or pursuing her study.
9. The Authorities will release the applicant only if he is not required in connection with any other offense for the time being.

Bail bond be furnished before the concerned Court having jurisdiction to try the offense.

Necessary Yadi be sent to the Id. trial court and concerned jail authority.

Order is passed and Pronounced in the Open Court on this 7th Day of February, 2026.

Date :- 07/02/2026

Place :- Surat

Hiteshkumar Mukundray Vyas

6th Addl. District & Sessions Judge, Surat.

Judge Code No. GJ00834

PHS