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Exh.	

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

CRI. MISC. APPLICATION No. 1234 of 2026

Sr. No.	Name of The Applicant	Age	Occupation
	Mobh Bhavdip Devakubhai Resident of, Bhavaradi Gam, Amreli, Gujarat. At present: Lajpor, Central Jail	24 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. M. Chodvadiya.

Ld. A. P. P. for the opponent :- Mr. S. S. Patil.

:- Judgment :-

1. 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 C. R. No. 11210060260306/2026, registered with Varachha Police Station, Surat for the commission of the offense punishable under the provisions of sections 64(2)(M), 75(1)(1), 308(5) and 54 of the Bharatiya Nyaya Sanhita, 2023 (herein after referred to as "**The BNS**" in short).

2. The Id. advocate for the applicant has made his oral submission. He has submitted that, the applicant accused has been arrested in connection with the aforesaid case on 09/02/2026 and he has been kept in judicial custody since 10.02.2026. The applicant accused is not the main accused. The case of the complainant against the accused is nothing but a concoction. The incident has occurred much before and the de facto complainant has filed complaint on 06/02/2026 and the complainant has not explained the reason for delay. Further submitted that, the applicant - accused has not committed any offense as mentioned in the F.I.R. and therefore, there is no prima facie case against the applicant. It is further submitted that, the applicant - accused has not played any part in the said offense and therefore, the applicant is innocent and has committed no offense and if, he be kept in custody, it will amount to pretrial conviction. Further, the applicant accused having no any criminal antecedents. He has further submitted that, the applicant is falsely implicated in this case. It is further submitted that, the applicant accused is resident of Surat and he will not flee from the justice and he will abide by the terms & conditions, which may be imposed by this court as this court deems fit.

Therefore, it is prayed that, the applicant may be enlarged on regular bail subject to the suitable conditions.

3. The learned APP has also made his oral submission. He has, by reading the contentions of the affidavit filed by the I. O. vide Ex. 06, opposed the bail application of the applicant - accused. He has further submitted that, **the applicant accused has committed serious offenses against the victim/complainant and the accused has also blackmailed the victim by knowing about the complainant's love affair with main accused and threatened to viral nude photos and videos and made physical relationship with her against her will and thus, there is prima facie evidence against the applicant. At present, investigation is pending, statement of the victim is yet to be recorded under the provisions of section 183 of as well as other aspects are under consideration and if the applicant accused released on bail, he will cause hindrances in the fair investigation** 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 gone through the contentions of the application filed by the applicant, affidavit filed by the I.O., submissions advanced by Id. Advocate for the applicant as well as Id. A.P.P. for the State and carefully gone through the police papers. It is imperative to note that, the accused is alleged to have committed the offense punishable under the provisions of The BNS as stated above. It is alleged that, **the accused has committed offenses by blackmailing the victim about**

knowledge of her love affair with co accused and about her nude videos and photos and threatened to make it viral and made physical relationship with her against her will.

It is settled position of law that, while deciding bail application, two aspects in form of individual's liberty and social interest are required to be considered simultaneously. The object of bail is neither punitive nor preventive. The jurisdiction to grant or reject bail is to be exercised on the basis of well settled principles having regard to the circumstances of each case and not in arbitrary manner. It is also required to note that, at the time of deciding bail application, the Court is not required to appreciate and scrutinize the evidence in great detail, but the Court is required to see prima facie case or involvement and relevant factors like nature of offense, manner in which the offense has been committed, role or contribution and other authentic circumstances are required to be considered.

Upon perusal of the bail application, affidavit of the investigation officer along with case papers and upon hearing both the parties, it appears that, the FIR has been registered for the offense punishable under the provisions of The BNS as narrated herein above. Now upon going through the facts and Affidavit and papers produced on the desk of the Court, it appears that, the prima facie allegations has been made against the Applicant/ Accused. Further, upon perusal of the affidavit of Investigation Officer, it appears that the present offense appears to be serious in nature and prima facie

involvement of the accused is found and at this stage, the investigation is pending in case and it is at crucial stage and therefore, if the applicant/accused is released on bail then it may cause hindrance in the fair investigation.

Thus, considering the role, seriousness of offense, nature of allegations, gravity of offenses and without discussing the evidence in detail, at this stage, the investigation is pending and it is at crucial stage and therefore, if the applicant/accused is released on bail then it may cause hindrance in the fair investigation. Hence, in view of the above discussions and in the interest of the justice, following order is passed.

ORDER

The application filed by the applicant under the provision of section 483 of The BNSS is hereby disallowed and rejected.

Order is passed and pronounced in Open Court on this 07th Day of March, 2026.

Date :- 07/03/2026

Hiteshkumar Mukundray Vyas

Place :- Surat

6th Addl. District & Sessions Judge, Surat.

Judge Code No. GJ00834

Atk