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

**CRI. MISC. APPLICATION No. 1490 of 2026
Exh. No**

Sr. No.	Name of The Applicant	Age	Occupation
	Aparnathi Hiteshbhai Shivabhai, Resident of, T & Post - Sarkundala, District - Amreli. At present, Central Jail, Lajpor, Surat	22 yrs	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. K. N. Dhankhara.

Ld. A. P. P. for the opponent :- Mr. R. P. Dobariya.

:- Judgment :-

1. The applicant has filed the present application under the

provisions of section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2003 (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. 11210065260108/2026, registered with Utran Police Station, Surat for the alleged commissions of the offenses punishable under the provisions of sections 137(2), 87, 64(2)(I), 75(2) of the Bharatiya Nyaya Sanhita, 2023 (herein after referred to as "**The BNS**" in short) and under the provisions of sections 4, 11(1)(6) and 12 of The Protection of Children from Sexual Offenses Act, 2012 (hereinafter referred as "**The Act**" for short).

2. The Id. advocate for the applicant has made his oral submission. This is the first bail application of the applicant accused. He has submitted that, the applicant accused has been arrested in connection with the aforesaid offense on 04/02/2026 and he has been kept in judicial custody since 05.02.2026. The case of the complainant against the accused is nothing but a concoction. Further, the applicant is innocent and the Police has arrested the applicant on the basis of suspicious only and therefore, there is no prima facie case against the applicant. It is further submitted that, the applicant accused has not committed any criminal act as per the alleged offense. The applicant accused has not molested and has not abducted by any enticement to the victim and therefore, the facts of the prosecution case is concocted. It is further submitted that, 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 is residing with his family as mentioned in cause title and is having responsibility of his family and therefore, 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 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 18 years of her age, the accused has trapped in her love affair and lured with intention to marry her and had done sexual intercourse with minor victim against her will, at his house and thereafter, he has abducted the victim from the legal guardianship of the complainant. 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 other aspects are under investigation and therefore, if the accused is released on bail than chances of threatening to the victim 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. The de facto complainant and victim have appeared before this court and have filed their joint written representation vide exh. 7 and inter alia objecting the grant of the application.
5. I have gone through the contentions of the application filed by the applicant, affidavit filed by the I.O. and written representation filed by the de-facto complainant and victim, 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 offenses punishable under the provisions of The BNS and The Act as stated above. It is alleged that, the accused has committed offenses as aforesaid against the minor victim of crime under the guise that he would marry the victim and has kidnapped her and abducted her from the legal guardianship of the complainant and had made intercourse with the victim at his house. The accused was also aware about the fact that, the victim is minor and therefore, has taken disadvantage of the situation.

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 offenses punishable under the provisions of The BNS and The Act 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 and the fact that, the investigation is pending and it is at crucial stage and therefore, at this stage, 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 provisions of section 483 of The BNSS is hereby disallowed and rejected.

Order is passed and pronounced in Open Court on this 13th Day of March, 2026.

Date :- 13/03/2026

Place :- Surat

Hiteshkumar Mukundray Vyas
6th Addl. District & Sessions Judge, Surat.
Judge Code No. GJ00834

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