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Exh.	

**IN THE COURT OF HON'BLE THE 6th ADDL.  
DISTRICT & SESSIONS JUDGE, SURAT.**

**CRI. MISC. APPLICATION No. 1534 of 2026  
Exh.**

Sr. No.	Name of The Applicant	Age	Occupation
	Alpesh Nathabhai Gediya Resident of, 25, Badavant Nagar, Opp. Shiv Nagar, Dhanmora, Katargam, Surat. Originally at, Malsika, Taluka - Dhari, District - Amreli.	40 years	Construction 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 482 of The  
BHARATIYA NAGARIK SURAKSHA SANHITA,  
2023.

**Appearance :-**

Ld. advocate for the applicant :- Mr. Y. B. Vala.  
Ld. A.P.P. for the opponent :- Mr. V. L. Faldu.

**:- Judgment :-**

- The present bail application has been preferred by the applicant to grant anticipatory bail under the provisions of section 482 of The Bharatiya Nagarik Suraksha Sanhita,

2023 (herein after referred as "The BNSS" for short) apprehending his arrest, in connection with the offense registered with Amroli Police Station vide I - C. R. No. 11210004260451/2026 for the alleged commission of offenses punishable under the provision of Section 64(2)(F) (M), 115(2), 351(2), of The Bharatiya Nyaya Sanhita, 2023 (hereunder referred as "The BNS" for short).

2. The learned advocate for the applicant has reiterated the contentions raised by him in the application under circumstances. He has mainly submitted that the applicant has not committed any offense but he is falsely involved in this case. The story of the complainant is got up and there no prima facie case against the accused. It is further submitted that the the complainant has filed false complaint by forming criminal conspiracy with her husband for fulfill their own desire. It is further submitted that the applicant is married person and if the applicant is arrested in the offenses as alleged against him and it will damage his social images. The applicant is residing at the title address and therefore, there is no chances of flee away in the offenses. It is also submitted by the Id. Advocate for the accused that, the relationship between the parties were consensual and the applicant does not have any past criminal antecedent and he is ready and willing to abide by all the terms and conditions which may be imposed by this Court, while granting him anticipatory bail and hence, it is prayed to allow this anticipatory bail application.
3. The learned APP has also made his oral submission by reiterating the contentions raised by the investigating officer

in his affidavit vide exh. 4. He has further submitted that, the accused has talked to the complainant regarding family disputes between him and his wife and took the complainant in hotel and took photos of her and threatened to show those photos to the complainant's husband and forcibly had physical intercourse with her and thus, how have committed the aforesaid offenses. Further if the applicant - accused is released on anticipatory bail then there will be chances of threatening to the victim and witnesses, also there will be chances of flee from justice. At present, the investigation in at initial stage, the involvement of the applicant/accused is being prima facie found and therefore, custodial interrogation can not be ruled and if the protection of the anticipatory bail is given to the applicant, it will create hindrance in the fair investigation and therefore, has prayed for the rejection of the application.

4. The de facto complainant has appeared before the court and has filed her objection vide Exh. 7 and 10, inter - alia praying for rejection of bail. Further, after registration of complaint, the accused is also threatening her and thus, prayed for rejected of the application.
5. I have gone through the rival submissions and the factual aspects of the case. At this stage, it is imperative to note that, the present applicant accused is charged for the commission of offenses as mentioned above. The present application is filed under the provisions of section 482 of The BNSS and therefore, at this stage, it would be profitable to rely and refer on the judgment of Hon'ble The

Supreme Court in the matter between Sumitha Pradeep V/s Arun Kumar C. K. & Anr, in CRIMINAL APPEAL NO.1834/2022, more particular a relevant portion is mentioned below.

..... In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and therefore, anticipatory bail may be granted. There appear to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offense should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.

6. I have considered the aforesaid settled legal proposition. Further, in view of the case of prosecution and considering the allegations, it appears that, the accused had forcibly made sexual relationship with the victim by threatening to make viral photos to her husband. Further, the accused is also threatening her and therefore, upon perusal of the case of the prosecution as well as papers submitted along with it, there appears prima facie case against the applicant accused for all the alleged offenses. Further, serious rival contentions and allegations are leveled by parties against each other, which do require complete investigation to unearth the truth.

Hence, considering factual aspects of the case on hand, it transpires that, for the purpose of fair investigation,

the custodial interrogation of accused - applicant can not be ruled out completely. The investigation is at initial and crucial stage qua the applicant and hence, the anticipatory bail cannot be granted to the accused - applicant and therefore, in view of this court, at this stage no exceptional circumstances are made out to exercise the power vested u/s 482 of the BNSS and therefore, this court does not incline to exercise its discretionary power in favour of the applicant and hence, in the interest of justice, following order is passed.

#### ORDER

The application filed by the applicant under the provisions of section 482 of the BNSS is hereby disallowed and rejected.

Order is passed and pronounced in Open Court on this 20th Day of March, 2026.

Date :- 20/03/2026

Place :- Surat

Hiteshkumar Mukundray Vyas

6th Addl. District & Sessions Judge, Surat.

Judge Code No. GJ00834

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