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

**CRI. MISC. APPLICATION No. 1603 of 2026  
Exh. No**

Sr. No.	Name of The Applicant	Age	Occupation
	Ravikumar Sureshbhai Gohil, Resident of, Shedubhar, Plot Area, Behind Primary School, Taluka/District - Amreli.  At present, Central Jail, Lajpor, Surat	28 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. S. S. Katyare.

Ld. A. P. P. for the opponent :- Mr. T. A. Pancholi.

**:- 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. 11214020253502/2025, registered with Kamrej Police Station, Surat for the alleged commissions of the offense punishable under Sections 137 (2), 64(2)(i)(M), 87 of the Bharatiya Nyaya Sanhita, 2023 (herein after referred to as "**The BNS**" in short) and under the provisions of Sections 4 and 6 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 25/02/2026 and he has been kept in judicial custody since then. 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 also submitted that, the applicant accused is having consensual relationship with the victim. 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. In support of his submission, the Id. advocate for the applicant has relied upon the judgment below list vide Exh.5.

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, **the accused is a divorced person and thereafter, he had engagement, which was also broken. Further, the victim was working in his Saree factory and therefore, the applicant accused was knowing that, the victim is a minor and has not completed 18 years of her age and he is 28 years old. Still however, the accused has trapped her in love affair and lured with intention to marry her and abducted from the legal guardianship of the complainant and therefore, has kidnapped the victim and has taken to Orissa and also repeatedly had physical relations with the victim. It is also submitted that, the victim was found at Orissa, whereas, the applicant accused has been absconding**

**from there till date of his arrest. Further, 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. 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 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 victims more than one time. The accused was also aware about the fact that, the victim is minor and therefore, has taken disadvantage of the situation. The age of the applicant accused is 28 years, whereas, the victim is below 18 years and at the time of joining his factory, she was younger than that**

**too. The applicant accused is divorced person and thereafter, also got engagement with another woman, which was also broken.**

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.

I have also gone through the judgment of Hon'ble The Supreme Court vide exh. 5 lists. However, in view of the peculiar facts and circumstances of the case on hand as stated herein above, this court is of the humble view that, the said judgment can not be made applicable to the fact of the case.

Thus, considering the role, seriousness of offenses, 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 11th Day of March, 2026.

Date :- 11/03/2026

Place :- Surat

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

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