

Received on	07/03/2026		
Registered on	07/03/2026		
Decided on	20/03/2026		
Duration	DD	MM	YY

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

**CRI. MISC. APPLICATION No. 1707 of 2026
Exh. No**

Sr. No.	Name of The Applicant	Age	Occupation
	Kadir Siddiqui Dhobi Resident of, 387, Near Madina Masjid, Fulwadi, Bharimata Road, Surat. At present, Central Jail, Lajpor, Surat	34 yrs	Service
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. M. J. Solanki.

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. 11210061250584/2025, registered with Lalgate Police Station, Surat for the alleged commissions of the offenses punishable under Sections 64(2)(I)(J)(M), 99, 54, 123, 143 (1-d), 143(1-f) of the Bharatiya Nyaya Sanhita, 2023 (herein after referred to as "**The BNS**" in short), under Section 5 (1-D(2)), 9(1) of The Immoral Traffic (Prevention) Act, 1956 and under the provisions of sections 4, 6, 8 and 17 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. It is further submitted that this is the first bail application of the applicant - accused and now, the investigation is over and charge sheet has been filed, which is registered as Special POCSO Case No. 12/2026. He has submitted that, the applicant accused has been arrested in connection with the aforesaid offense on 30/11/2025 and has been kept in judicial custody since 01/12/2025. The case of the complainant against the accused is nothing but a concoction. Further, 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 the victim and kidnapped her, even the applicant accused has not done any act against the will of the victim and therefore, the facts of the prosecution case is concocted. It is further submitted

that, the applicant accused has not been shown as an accused and therefore, he has not committed any offense. 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. It is further submitted that, the applicant accused has been arrested by the Police on the basis of suspicious only. He has further submitted that, the applicant is falsely implicated in this case. It is further submitted that, the applicant is residing at Surat as mentioned in cause title and is having responsibility to maintain of his family 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. 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. 06. He has mainly submitted that, **despite of knowing that the victim is a minor and has not completed 18 years of her age, the co accused, whose name are mentioned in complaint, have kept the victim in their house pretending to be her as their daughter and thereafter, had taken disadvantage of her situation, put her into this business, where under the influence of the some substance, she was forcibly raped by many persons**

against her will and wish including the present applicant and thereby, the co accused have reap the wrongful financial gain. The name of the applicant accused has been mentioned in the FIR and during the course of the investigation, sufficient material has been found against him and he was arrested and during the course of investigation, the victim has also identified this applicant. 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. At present, recording of evidence of material witnesses are pending and thus, considering the nature of allegations leveled against the applicant, the present regular bail application of the applicant may be disallowed. Further, it is also stated that, if the accused is released on bail than chances of threatening to the victim and complainant can not be ruled out and thus, considering the nature of allegations leveled against the applicant, the present regular bail application of the applicant may be disallowed.

4. The victim has appeared before this court and has filed her written representation vide exh. 7 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. as well as written representation filed by the victim and submissions advanced by ld. advocate for the applicant as well as ld. 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, Immoral Traffic Act and The Act as stated above. It is alleged that, the accused has committed offense as aforesaid against the minor victim of crime and made the victim as means of their earning. It is also alleged that, **despite of knowing that the victim is a minor and has not completed 18 years of her age, the co accused, whose name are mentioned in complaint, had kept the victim in their house pretending to be her as their daughter and thereafter, had taken disadvantage of her situation, put her into this business forcefully, where under the influence of the some substance, she made was unconscious and thereafter, the victim was forcibly raped by many persons against her will and wish including the present applicant and thereby, the co accused have got the wrongful financial gain. The name of the applicant accused is being mentioned in the FIR and during the course of the investigation, he was arrested and the victim has also identified this applicant.** The accused was also aware about the fact that, the victim is minor and therefore, has taken disadvantage of the situation.

I have also carefully gone through the papers made available. It transpired from the record that the applicant - accused alleged to have committed serious offense against the minor child and serious allegations are leveled against him and there appears prima facie case against him and at present, the evidence of the material witnesses have not been

recorded and therefore, if the applicant is released on bail than chances of threatening them or hampering the course of justice or flee from justice can not be ruled out.

Further, filing of charge sheet would strengthen the case of the prosecution against the applicant accused.

Thus, from aforesaid discussions, at present stage, in the facts and circumstances of the case on hand, this court is of the view that, no case is made by the applicant accused for exercise of discretionary power in his favour and therefore, at this stage, no case is made out to exercise the power vested u/s 483 of the BNSS and therefore, this court does not inclined 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 483 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

Atk