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

**CRI. MISC. APPLICATION No. 1763 of 2026**

**Exh. No**

Sr. No.	Name of The Applicant	Age	Occupation
	Motilal Ramanand Shah, Resident of, Village - Harinarayanpur, Po. - Gadhiya Main Mehasi, Dist. - East Champanan, Bihar.  At present, Central Jail, Lajpor, Surat	26 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. A. K. Gupta  
Ld. A. P. P. for the opponent :- Mr. S. K. Gohil.

**:- 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 offenses registered as C. R. No. 11210025231216/2023, registered with Limbayat Police Station, Surat for the alleged commissions of the offenses punishable under Sections 363, 366, 376(2)(J), 376(2)(N), 376(3) of the Indian Penal Code, 1860 (herein after referred to as "**The IPC**" in short) and under the provisions of sections 3(a),4, 5(1), 6, 7, 8, 9(L), 10 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. He has submitted that, the present application is the first bail application of the applicant - accused. He has submitted that, the applicant accused has been arrested on 09/12/2025 in connection with the aforesaid case and has been kept in judicial custody since 10/12/2025. Further the investigation is over and charge sheet has been filed which has been culminated into registration of Special POCSO Case No. 11/2026. The case of the complainant against the accused is nothing but a concoction. 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. The applicant accused has not lured and kidnapped the victim. 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 resident of address as mentioned in cause title and is of very young age 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 was a minor and is yet to complete her 14 years of age, the accused trapped the victim in a love affair with intention to marry her and thereafter, called her at Bharuch Railway station and took her to Gopalganj at Bihar and had sexual intercourse on the pretext of marriage and there also repeatedly had physical relations with the victim against her will and wish. The accused is 26 years of age.** 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, filing of charge sheet would amount to strengthening the case of the prosecution. The applicant accused is not resident of Surat and therefore, if the accused is released on bail than chances of flee from justice or threatening the course of justice can not be ruled out. At present, recording of evidence of material witnesses 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 written representation vide exh. 05 and 06. I have gone through the same.
5. 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. I have also gone through the written representation submitted by the de facto complainant and victim vide exh. 05 and 06. 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 offense as aforesaid against the minor victim of crime under the gist that he would marry the victim and has kidnapped her and has taken her Gopalganj, Bihar and repeatedly**

**committed the offense. The accused was also aware about the fact that, the victim has not completed 14 years of age and therefore, has taken disadvantage of the situation. The accused is 26 years of age, whereas, the victim is below 14 years of age.**

I have also carefully gone through the papers made available. It transpired from the record that the applicant - accused alleged to have committed serious offenses against the minor child and serious allegations are leveled against him and there appears prima facie case against him. It is alleged that, the accused has committed offense as aforesaid against the minor victim of crime against her will and wish and it was repeated committed against her. Further, it is alleged that, the applicant was aware about the age of the victim, still, has committed the offense and therefore, there is prima facie case against the applicant and at present, the evidence of the material witnesses have not been recorded and therefore, chances of threatening them or hampering the course of justice can not be ruled out.

Further, filing of charge sheet, in the given facts and circumstances, further 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 13th Day of March, 2026.

Date :- 13/03/2026

Place :- Surat

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

PHS