

Received on	11/03/2026		
Registered on	11/03/2026		
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. 1840 of 2026
Exh. No**

Sr. No.	Name of The Applicant	Age	Occupation
	Nayan Jitendrabhai Rathod Resident of, Above Shop of Pramukh Kala, Khodiyar Nagar, Varachha, Surat. At present, Central Jail, Lajpor, Surat	21 yrs	Diamond worker
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. D. 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. 11210022260515/2026, registered with Kapodra Police Station, Surat for the alleged commissions of the offense punishable under Sections 74, 75(2), 352, 54 of the Bharatiya Nyaya Sanhita, 2023 (herein after referred to as "The BNS" in short) and under the provisions of Sections 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 05/03/2026 and he has been kept in judicial custody since then thereafter. The case of the complainant against the accused is nothing but a concoction and are made in order to settle the personal vendetta. 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, there is cross case filed by them qua the complainant and the applicant accused has not committed any criminal act as per the alleged offense. The applicant accused is not alleged to have committed any serious offense qua the victim. The applicant accused has not molested the victim and sexually harassed victim by making gestures, even the applicant is

not personally known 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 young and residing at Surat as mentioned in cause title with his family 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, and while the victim was playing Dhuleti with her school friend in the society outside of her house, the applicant accused along with other co-accused have forcibly applied the color to the victim against her will with the intention of sexually harassing her and thereafter quarreled with the brother of victim and shouted abusing words. 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 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 has appeared before this court and have filed his affidavit vide exh. 7 inter alia objecting the grant of the application.
5. I have carefully gone through the contentions raised by the applicant as well as contentions raised in the affidavit filed by the I. O. vide exh. 4, objection of the de facto vide exh. 7 and police papers made available. It is settled legal proposition that, at this stage, the court can not do detail examination of the evidence. I have also considered the role attributed to be played by the present applicant. Further, the applicant is in judicial custody since 05/03/2026. It further transpires from the affidavit filed by I. O. that, the applicant does not have any criminal antecedents and there is a cross complaint filed against the complainant. Further, as per facts mentioned in the affidavit, the applicant accused is not alleged to have committed any serious offenses other than those are charge. I have also considered the maximum punishment envisage for the alleged charges. Further, trial would take time and if the applicant is kept in judicial custody then it would amount to pretrial conviction. Further, I have also considered the role attributed to be played by this applicant while committing alleged offenses and age of

victim. The ld. advocate for the applicant gave undertaking that, the applicant is ready to follow each and every conditions, including condition to appear before the I. O. for the purpose of investigation if any, and therefore, taking into consideration over all facts and circumstances as well as nature of offenses and the role attributed to the applicant, this court deems it fit to allow the present regular bail application subject to the stringent conditions. The present application deserves consideration and looking to the well settled principle that, Bail is a Rule and Jail is an Exception as well as considering overall facts and circumstances, there seems to have reasonable grounds to exercise discretionary power in favour of the present applicant. Hence, the present application deserves to be allowed, and therefore, in the interest of justice, following order is passed.

O R D E R

1. This application No. 1840/2026, under the provisions of section 483 of the BNSS, of the applicant is hereby allowed.
2. The applicant is hereby ordered to be released on bail under the provisions of Section 483 of The BNSS in connection with the offense registered as C. R. No. 11210022260515/2026, registered with Kapodra Police Station, Surat for the alleged commissions of the offense punishable under Sections 74, 75(2), 352, 54 of the Bharatiya Nyaya Sanhita, 2023 and under the provisions of Sections 12 of The Protection of Children from Sexual Offenses Act, 2012 upon his furnishing personal bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with surety

of the like amount subject to the following condition.

Conditions :

1. He shall not take undue advantage of his liberty or misuse his liberty.
2. He shall not act in a manner injurious to the interest of the prosecution.
3. He shall surrender his passport, if any, to The Id. Trial court within a week and if, he does not possess the same, than file an affidavit to that effect.
4. He shall not leave the State of Gujarat without prior permission of the this court.
5. He shall not indulge into any criminal activities.
6. He shall mark his presence at the concerned Police Station on first Monday of each English Calendar month for a period of three months.
7. He shall furnish the present address of his residence to the I. O. and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of this Court.
8. The applicant shall not entered into area, where the victims is/are residing and studying.
9. The Authorities shall release the applicant, if he is not required in connection with any other offense. If breach of any above condition is committed, The Id. Trial Court shall be at liberty to take appropriate action in accordance with law.

Bail bond to be executed before the Id. Trial Court having jurisdiction to try the case.

Necessary Yadi be sent to the ld. trial court and concerned jail authority and Police Station.

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

Date :- 20/03/2026

Hiteshkumar Mukundray Vyas

Place :- Surat

6th Addl. District & Sessions Judge, Surat.

Judge Code No. GJ00834

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