

GJVD010021032026



Received on	:	17.03.2026
Registered on	:	17.03.2026
Decided on	:	09.04.2026
Duration	:	Year Months Days
		00 00 17

=====

IN THE COURT OF SPECIAL JUDGE (POCSO) AND
ADDITIONAL SESSIONS JUDGE AT VADODARA.

=====

CRIMINAL MISC. APPLICATION No.866 OF 2026

(FOR REGULAR BAIL - AFTER CHARGE-SHEET)

Exhibit :

APPLICANT:

GOVINDBHAI JAMUNAPRASAD MAHOR

Aged: Adult, Occupation: Labour Work

Residing at: At Sarai Pitamber,
Sashni Gate Thana, Aligadh (UP).

Presently R/o. Godi Road, Barot Chawl,
Tal: & Dist: Dahod.
(At present: Central Jail, Vadodara)

VERSUS

OPPONENT:

THE STATE OF GUJARAT

Appearance:

Mr.V.G.Vaghela : Learned Advocate for the applicant-accused.
Mr.R.S.Chauhan : Learned APP for the State.

Application seeking Regular Bail under
Section 483 of The Bhartiya Nagarik
Suraksha Sanhita, 2023.

-:: JUDGMENT ::-

1. By way of this application preferred under Section 483 of the Code of Bhartiya Nagarik Suraksha Sanhita, 2023 (“the BNSS” for short), the present applicant-accused has prayed to release him on regular bail in connection with the F.I.R. being C.R.No.11196030250178/2025 registered with Sayajigunj Police Station, Vadodara City for the offences punishable under Sections 137(2), 87, 54, 65(1) of The Bhartiya Nyay Sanhita, 2023 (“the BNS” for short) and Sections 3(a), 4, 5(1) & 6 of the Protection of Children from Sexual Offences Act, 2012 (“the POCSO Act” for short).
2. On service of notice being issued to the other side, the learned APP Mr.R.S.Chauhan has appeared for the State. The Police Inspector of Sayajugunj Police Station, Vadodara has submitted his affidavit which is on record vide Exh.4.

- 2.1 On presentment of application, the notice was issued to the complainant. On service of notice, the complainant has remained present before this Court and filed a pursis vide Exh.6 stating her objections in releasing the accused on bail.
3. Heard learned advocate Mr.J.G.Vaghela for the applicant-accused. The learned advocate for the applicant-accused has reiterated the grounds stated in the application and prayed to release the present applicant-accused on bail. He has further submitted that the applicant-accused came to be arrested on 07.10.2025 and since he is in judicial custody. He has further submitted that the Investigation in the alleged offence has been concluded and the Investigating Officer has filed the charge-sheet which has been registered as POCSO Case No.149of 2025 and, therefore, there is no possibility of tampering with the evidence and/or threatening the witnesses. He has also submitted that the applicant-accused is innocent and has not committed the offence as alleged against him. He has also submitted that the allegation against the applicant-accused is only that he has abetted the main accused in commission of the offence. He has also submitted that the co-accused having similar role has been enlarged on regular bail by the Court vide order dated 29.05.2025 in Criminal Misc. Application No.1479/2025 and, therefore, the applicant-accused may please be enlarged on bail on the ground of

parity. He has also submitted that the applicant-accused is in jail since more than six months and, if he is not released on bail, it would amount to pre-trial conviction. The applicant-accused is ready and willing to abide all the terms and conditions whatever may be imposed by this Court. Lastly, it is prayed to allow this application.

4. On the other hand, the learned APP Mr.P.C.Patel for the State, has strongly opposed for grant of the application and submitted this is a case of kidnapping of minor girl aged about 13 years and 9 months from her lawful guardianship. A specific role of has been attributed to the applicant-accused and therefore, there is a strong prima-facie case against the applicant-accused for having committed the said offence. The learned APP has, therefore, submitted to dismiss the present application.
5. Heard the learned advocates for the respective parties. I have considered the material available before this Court. I have also considered the pursis filed by the complainant vide Exh.6. It is well settled law that at the time of deciding bail application, detailed examination of evidence and elaborate documentation of the merits of the case need not be undertaken. The Court need not to conduct mini trial and the merits and demerits of the prosecution case and admissibility and credibility of evidence may not be required to be appreciated minutely. The Court has to only

consider whether prima-facie case is established or not? While considering the bail application, it is necessary for the Court to consider among other circumstances, like nature of accusation and severity of punishment, reasonable apprehension of tempering with evidence, securing presence of accused, prima facie satisfaction of the Court etc.

6. The case of the prosecution is that the mother of the victim girl has lodged the complaint on the ground that her minor victim daughter aged about 13 years and 09 months has been kidnapped by the main accused from the legal guardianship by enticing and alluring her and repeatedly committed sexual intercourse with her. It is further alleged that the present applicant-accused has abetted the accused in commission of the offence. Thereby, the applicant-accused has committed the offences punishable under Sections 137(2), 87, 54, 65(1) of the BNS and Sections 3(a), 4, 5(l) & 6 of the POCSO Act.
7. If the FIR is read, it reveals that the age of victim was 13 years and 09 months old and the main accused Vinodbhai Gangasaran Koli (Mahor) has allegedly kidnapped the victim from her lawful guardianship and the present applicant-accused Govindbhai Jamnaprasad and co-accused Dinesh Ramprakash Koli have abetted the main accused. It is to note that the investigation is over and the

Investigating Officer has filed charge-sheet which is registered as POCSO Case No. 149/2025. It further appears that the applicant-accused is in judicial custody since 07.10.2025. This Court has considered the role played by the applicant-accused. The accusations are with regard to abetting and giving shelter to the main accused. It is also to note that the co-accused namely Dinesh Ramprakash Koli (Mahor) has been enlarged on bail by this Court vide order dated 29.05.2025 in Criminal Misc. Application No.1479/2025. From the affidavit of IO (Exh.4), it is not reflected that the applicant-accused has any criminal antecedents. The IO has not pointed out any exceptional circumstances. It further appears that the presence of applicant-accused is easily available during the trial.

8. Having heard the learned advocate for the respective parties and also considering the role played by the present applicant-accused, in the humble opinion of this Court, this is a fit case to exercise discretionary powers in favour of the applicant-accused. The applicant-accused has made out a case for regular bail. Considering the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant, and prima-facie satisfaction of the court in support of the charge, the

character of the applicant-accused, circumstances which are peculiar to the applicant-accused, reasonable possibility of securing the presence of the applicant-accused at the trial, and the fact that the applicant-accused is a resident of Dahod District and his availability during the trial etc. and also considering the settled position in the well-known judgment of Hon'ble Supreme Court in the case of Sanjay Chandra Vs. CBI, in CRIMINAL APPEAL NO.2178 OF 2011, in the opinion of this court, this is a fit case where discretionary powers is required to be exercised in favour of the present applicant-accused by imposing conditions.

9. Considering the facts and circumstances of this case; this Court is of the opinion that this is a fit case to exercise the discretion in favour of the applicant-accused. As a result of the above facts and aspects, present application is allowed. Hence, I pass the following final order.

:: ORDER ::-

1. Present Bail Application is hereby allowed.
2. The applicant-accused namely Govindbhai Jamunaprasad Mahor, is hereby ordered to be released on regular bail in connection with the F.I.R. being C.R.No.11196030250178/2025 registered with Sayajigunj Police Station, Vadodara City for the offences punishable under Sections 137(2), 87, 54, 65(1) of the BNS and

Sections 3(a), 4, 5(l) & 6 of the POCSO Act, on executing his personal bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) with one surety of the like amount to the satisfaction of this court and subject to the following conditions that he shall;

- (a) not directly or indirectly make any inducement, give threat or promises to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer or tamper with the evidence;
- (b) maintain law and order and not indulge in any criminal activities of similar nature;
- (c) not leave India without prior permission of the Court;
- (d) surrender his passport, if any, within a week before this Court. If he does not possess passport, they/he shall file an affidavit to that effect;
- (e) furnish the complete documentary proof of latest & permanent addresses of his residence to the Investigating Officer and also to the Court and shall not change the residence without prior permission of the Court concerned;
- (f) provide his contact numbers as well as the contact numbers of the sureties before the concerned Court and shall not change such contact numbers without informing to the Court concerned;
- (g) shall not act in a manner injurious and prejudice to the interest of the prosecution;

- (h) not obstruct or hamper the police investigation or tamper with evidence or influence the witnesses;
 - (i) not take undue advantage of their liberty or misuse liberty;
3. Bail Bonds be furnished before this Court.
 4. Breach of any of the above conditions shall automatically result in cancellation of bail.
 5. Concerned Police Station be informed accordingly.
 6. Copy of this order be placed in POCSO Case No.149/2025.

**Signed and Pronounced in open Court today on this
09th day of April, 2026.**

Sd/-

Place: Vadodara.

Date:09.04.2026

(Shakuntala Nareshkumar Solanki)

**Special Court (POCSO) &
Additional Sessions Judge,
Vadodara
(Code - GJ-00623).**

B.B.Nai