

GJPM170026732022



**IN THE COURT OF SPECIAL JUDGE [POCSO] AND
ADDITIONAL SESSIONS JUDGE,
PANCHMAHALS AT HALOL.**

Criminal Misc. Application No.697 of 2022

Applicant :-

Rohitbhai Rameshbhai Rathod

Age: 22 years, Occupation : labour work,

Residing at :- Vejalpur, Ta-Kalol,

Di-Panchmahals.

(At present: in judicial custody)

V E R S U S

Opponents:-

1) THE STATE OF GUJARAT

**2) Ashokkumar Chandubhai
Makwana[Original complainant]**

Resi. at : "Krushnakunj Society, Kalol, Di-
Panchmahals.

Application u/s. 439 of Cr.P.C. for Regular Bail.

APPEARANCE:

Ld. Advocate for the Applicant/accused : Mr. K. K. Shah.

Ld. A.P.P. for the opponent No.1-State : Ms. L. R. Sheth.

The Opp. No.2 [Original complainant] : ---

:: J U D G M E N T ::

1. This application is preferred by the applicant/accused person under section 439 of the Criminal Procedure Code for releasing him on regular bail in connection with offences punishable u/S 363,366,376(2)(J),376(2)(N) of the IPC, u/S 6, 12 & 17 of the POCSO Act and u/S3(2)(5),3(2)(5-A),3(1)(W)(1),3(1)(W)(2) of the Atrocities Act, registered with Kalol

Police Station vide C. R. No.11207036220567/2022, pursuant to Special Sessions Case (POCSO) No.169 of 2022.

2. Ld. Adv Mr. K. K. Shah for the applicant/accused person has submitted that the FIR/complaint for alleged offence lodged later ; the applicant-accused is in judicial custody since 03-12-22 ; the charge-sheet is filed against other accused on 27/11/22 ; the applicant/accused person is falsely implicated in alleged offence ; he is permanent resident of address shown in the cause title and holding movable and immovable property there hence, the applicant/accused may be enlarged on regular bail and he will abide by all conditions those may be imposed by the Court.

Ld. APP Ms. L. R. Sheth has resisted this bail application stating that the name of present applicant/accused is mentioned in FIR/complaint for the alleged offences and looking to the seriousness of such offence, this bail application may be rejected.

Perused the affidavit of IO vide Exh.4.

3. Having regard to the facts of this case, in order to decide this regular bail application u/S 439 of the Cr.P.C., established principles as to bail have been taken into consideration. It may be stated that the FIR/complaint for the alleged offences lodged later ; considered the statement of minor victim girl U/S 164 of Cr.PC as well as considered the statements of present applicant and minor victim girl before the police stating that they got marriage. The charge-sheet for the alleged offences is filed on 27/11/22 against earlier arrested accused by the police. Hence, it would be just to release the applicant/accused person on regular bail in the alleged offences and therefore, I pass the following order.

::: O R D E R :::

- This Criminal Misc. (Reg. Bail) Application No.697 of 2022 stands **allowed.**
- The applicant/accused person - **Rohitbhai Rameshbhai Rathod**, resident of the address shown in the cause title, in connection with offences punishable u/S 363,366,376(2)(J),376(2)(N) of the IPC, u/S 6, 12 & 17 of the POCSO Act and u/S3(2)(5),3(2)(5-A),3(1)(W)(1),3(1)(W)(2) of the Atrocities Act, registered with Kalol Police Station vide C. R. No.11207036220567/2022, pursuant to Special Sessions Case (POCSO) No.169 of 2022, is hereby **released on bail on furnishing personal bond of Rs.15,000/- and one surety of like amount**, subject to the following conditions that ;

- a. Not to tamper with evidence or influence the witnesses concerned;*
- b. Not to leave the territory of Gujarat State without prior permission of the concerned Court.*
- c. Furnish latest address of residence to the Investigating Officer 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;*
- d. The applicant/accused person must not indulge in similar or any other criminal offence.*

- Bail be given before this Court.
- Necessary Yadi be sent to the concerned police station.
- A copy of this order be kept with Special Sessions Case (POCSO) No.169 of 2022.

Pronounced in open Court today, this 28th day of December, 2022.

Date : 28/12/2022.

Place : Halol.

P. P. Joshi

[Bharat Jamnadas Ganatra]
Special Judge [POCSO] and
Additional Sessions Judge,
Panchmahals at Halol.
(Judge Code : GJ00509)