

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 6737 of 2026**

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AJAY S/O GAYDHAR (GIRDHAR) BARIK (RUPAL)
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR HK THAKOR(6182) for the Applicant(s) No. 1
MR K B MAGHNANI(9673) for the Applicant(s) No. 1
HCLS COMMITTEE(4998) for the Respondent(s) No. 2
MR KARTIKEY P RAWAL(720) for the Respondent(s) No. 2
MR PRANAV DHAGAT, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY

Date : 06/08/2026

ORDER

1. The Applicant has filed this Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the Applicant on Regular Bail in connection with FIR being C.R. No.39/2019 registered with Wankaner Taluka Police Station, Morbi for the offence punishable under Sections 328 and 376(3) of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offence Act (hereinafter, to be referred as the POCSO Act).

2. Learned advocate appearing for the applicant submitted that the applicant herein has been arrested in connection with the present offence on 11.03.2025 and since then, he is in custody. Though the period of 1 years and 6 months has passed after the arrest of the applicant, trial of the offence has not yet concluded. He further submitted that in view of the Section 35 of the POCSO Act, the deposition of the prosecutrix is required to

be recorded within period of 30 days from the date of taking of cognizance of the offence. However, till date not a single witness has been examined. Moreover, as per the provision of the POCSO Act, the trial of the offence is required to be concluded within period of 1 year from the date of the registration of the offence. Thus, all the requirements of the law have been violated by prosecution. He therefore submitted to allow the present application and enlarge the applicant on bail subject to suitable conditions.

3. Learned APP has opposed the present application contending that the offence alleged against the present applicant is serious in nature. Having regard to the statement of the prosecutrix recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, it appears that the offence in question was committed in a gruesome manner. He therefore submitted to dismiss the present petition.

4. Heard learned advocates for the parties. The applicant had preferred Criminal Misc. Application No.17211 of 2025 which was allowed to be withdrawn by this Court vide order dated 09.10.2025. Thereafter, the present successive application is filed by the applicant. Learned advocate appearing for the applicant is not in a position to show any change in circumstances after the withdrawal of the earlier application filed by the applicant.

5. From the record it appears that the offence in question was registered on 17.06.2019 and thereafter, the applicant came to be arrested in the month of March-2025. Thus, the applicant

had absconded for almost 6 years after the registration of the offence.

6. This Court has perused the statement of the prosecutrix recorded under Section 183 of the BNSS. In her statement, the prosecutrix has categorically stated that the applicant had dragged her in his room where he had forcibly established physical relations with her. The present applicant is aged 28 years whereas the age of the prosecutrix, at the time of the incident, was merely 15 years.

7. Having regard to these aspects, no case is made out for exercising discretion in favour of the applicant. Hence, the application stands dismissed.

AHS

(M. R. MENGDEY,J)