

GJBN010022372026



Received on : 30.05.2026
 Registered on : 30.05.2026
Decided on : 05.06.2026
 Duration : DD MM YY
 06 - 00 - 00

**IN THE COURT OF 5TH ADDITIONAL SESSIONS JUDGE
 BHAVNAGAR.**

Criminal Misc. Application No.952 of 2026

EXH.NO -

Applicant. : Alfaz @ Lambu Abubhai Belim,

Age : 24 years, Occu.None,
 Residing at : Kumbharvada, Motitalav Sheri
 No.8, Bhavnagar.

(Presently in Judicial Custody at District Jail,
 Bhavnagar)

Vs.

Opponent. : The state of Gujarat.

**Application for Regular bail under Section 483 of the
 Bharatiya Nagarik Suraksha Sanhita, 2023.**

APPEARANCE:

Ld. Advocate-Deputy Chief-LADC for the applicant : Mr. S.M.Joshi,
 Learned A.P.P. for the State. : Mr.D.A.Mehta.

JUDGMENT

[1.0] This application is filed by the applicant under
 Section 483 of B.N.S.S. for regular bail in connection with F.I.R.
 registered as **A-Part C.R. No.11198001260032/2026** with

Nilambaug Police Station, Bhavnagar for the offence punishable under **Sections 331(3), 331(4), 305(D), 62 of B.N.S.**

[2.0] It is stated by the applicant that, the applicant has been arrested by the police in connection of the afore-stated offence on 29.01.2026 and produced before the learned trial Court on **29.01.2026** and learned trial Court has sent him to the judicial custody and hence, the present applicant has been filed under Section 483 of B.N.S.S.

[3.0] On service of notice to the opponent, Ld. A.P.P. appeared on behalf of State and investigating officer has filed affidavit in support of the complaint and also submitted police papers.

[4.0] Ld. Advocate-Deputy Chief-LADC for the applicant has submitted that the applicant has no connection with the alleged offence and that he has been falsely implicated with the present offence. He has not played any role in the alleged offence. It is further submitted that the name of the applicant has not been mentioned in FIR. It is further submitted that in this case, all the muddamal were already recovered. It is further argued that the applicant has been arrested in connection with this offence solely on the basis of suspicion. It is further submitted that the investigation is over and chargesheet has been filed before the Hon'ble Court. It has also been submitted by the Ld. Advocate for the applicant that the offences are triable the Court of Judicial Magistrate First Class, and that the conclusion of trial of the

alleged offence is likely to take long time and the denial of bail to the applicant would amount to pre-trial punishment, which is alien to criminal jurisprudence. It is submitted that the present applicant is a permanent resident of the address given in the cause title and has a family to support and is not likely to jump bail or evade trial. It is submitted that the applicant undertakes to abide by all or any condition that may be imposed by the Court in bail order and considering all the above factor it has been prayed that the present applicant may be enlarged on bail.

[5.0] On the other hand, learned A.P.P. appearing for the opponent-state has opposed the bail application and as per the averments of the affidavit further submits that there is prima facie case against the present applicant. It is further stated that allegation against the present applicant is that he has stolen two chains of metal garlands adorning the idols of Lord Hanuman Dada and Lord Ganesha worth Rs.10,000/- from the Mandir and also tried to break Mandir donation box. It is further submitted that in this case, if the applicant is released on bail, there are chances of tampering with the prosecution evidence or he may flee away from justice or may indulge in the similar offence, hence present application may be rejected.

[6.0] I have heard the Ld. advocates appearing on behalf of the respective parties and perused the papers.

[7.0] On perusal of the FIR, police papers, affidavit filed by the Investigating Officer and the submission of the advocates for the either parties and considering the facts and circumstances

of the case and the nature of allegation made against the applicant as well as the role attributed to the present applicant, it appears that allegation against the present applicant is that he has stolen two chains of metal garlands adorning the idols of Lord Hanuman Dada and Lord Ganesha worth Rs.10,000/- from the Mandir and also tried to break Mandir donation box. Further on perusal of the case papers it appears that the muddamal is recovered and the investigation is almost over and further custodial interrogation of the accused is not required in this matter.

[7.1] Further, upon consideration of the severity of the offences alleged, it is evident that the maximum term of imprisonment provided is upto 14 years and is triable by the Judicial Magistrate First Class and hence the prospect of delay in disposal of such cases is also required to be contemplated. Therefore, considering the role of the applicant and quantum of the punishment and the fact that applicant is a permanent resident of address given in the cause title of the application and offence is triable by the court of magistrate, without discussing the evidence in detail, considering the settled position of law as well judicial precedents with regards to grant of bail in cases of **AIR 1984 (SC) 372 "Bhagirathsinh Jadeja Vs. State of Gujrat"** ; **(2012) 1 SCC 40 "Sanjay Chandra Vs. CBI"** and Special Leave to Appeal (Cri.) 5191 of 2021 **"Satender Kumar Antil Vs. CBI & Ors."** prima facie, this court is of the opinion that this is a fit case to exercise the discretion in favour of the present applicant.

[7.2] On the perusal of affidavit filed by the Investigating Officer, it is apprehended by the Police that applicant is likely to indulge in similar offence. However, the objection and apprehension raised by the prosecution against the grant of bail can be addressed and taken care of by imposing certain conditions. Hence, considering the quantum of the punishment in the alleged offences as well as in order to assure the presence of the applicant for trial and to avoid any hindrance to the prosecution, it would be appropriate to impose certain conditions. Therefore, this Court is of the view that it is a fit case to exercise discretion to grant bail to the present applicant subject to certain conditions. Therefore, the following order is passed.

::O R D E R::

1. The present bail application is hereby allowed.
2. The applicant - **Alfaz @ Lambu Abubhai Belim**, is hereby ordered to release on bail in connection with the offence registered before **Nilambaug Police Station, Bhavnagar** vide **A-Part C.R. No.11198001260032/2026** for the offence punishable under **Sections 331(3), 331(4), 305(D), 62 of B.N.S.**, upon executing a personal bond of **Rs.25,000/- (Twenty Five Thousand Only)** with one surety of the like amount subject to the following conditions.

(a) The applicant shall not obstruct or hamper the police investigation in any

manner and shall cooperate the investigation Officer;

(b) Shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(c) Shall not commit any offence while on bail;

(d) shall not leave the territory of India without permission of the trial Court and Shall surrender his/her passport, if any, before the trial court or shall file an affidavit that he/she does not hold a passport, within seven day of furnishing bail before the court concerned;

(e) shall remain present before the trial Court regularly;

(f) Shall at the time of execution of bail-bond, furnish the address of residence with authentic proof & mobile number of the applicant as well as his/her surety to the investigating officer and to the Court concerned and in case of change of any address, he/she shall inform his/her new address to the concerned police station & the Court immediately;

Bail bond be executed before the concerned trial Court.

Yadi of this order be sent to the concerned Court and Police Station.

Pronounced in the open Court on this **5th day of June, 2026.**

Date : 05.06.2026

Place : Bhavnagar

(JIGNESH GIRISHBHAI DAMODRA)

5th Additional Sessions Judge,

Bhavnagar

Unique ID Code No.GJ00996

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