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Registered on 28/02/2026  
Decided on 11/03/2026  
Duration Y.00 M.00 D.12

IN THE HON'BLE COURT OF 4TH ADDL. SESSIONS JUDGE  
KHEDA AT NADIAD

**CRIMINAL MISC. APPLICATION NO.255 OF 2026**

**Exh.: 6**

**APPLICANT :~**

Makwana Jayeshkumar Navinbhai  
@ Jayeshkumar Navinbhai Meghval  
Residence: Indiranagar, Mu.: Vathvali,  
Ta.: Mahemdavad, Dist.: Kheda.

**Versus**

**Respondent :~**

Govt. Of Gujarat

For the Applicant	:	Ld.Advocate Mr. N.B. Mahida
For the Respondent	:	Ld. D.G.P. Mr. D.R. Barot

**Application u/S.483 of Bharatiya Nagarik Suraksha Sanhita  
2023 (Sec. 439 of Cr.P.C.)**

**-: JUDGMENT :-**

(1) Applicants, Makwana Jayeshkumar Navinbhai @ Jayeshkumar Navinbhai Meghval has preferred present application for regular bail for the offences registered against him with Mahemdavad Police Station, bearing I.C.R.No. 11204041260018/2026 for the offence u/Ss.318(2),324(3), 324(5), 329(3) 336(2)(3), 338, 340(2) and 61(2)(a) of the Bhartiya Nyay Sanhita, 2023.

(2) The short facts of the complaint are that :

The First Informant namely Piyush Govanbhai Deshmukh working as an Executive Engineer, Mahudha Irrigation Department has lodged the complaint and in his complaint stated that the said land was acquired in the year 1979 by paying compensation and that the houses of Irrigation Department were constructed at the said land. It is further stated that the Department colony was not used for a long time and as it was not in use the colony was in a dilapidated situation. It is further alleged that as the colony was not repaired for a long time and taking the advantage of the situation, the accused persons inherited the land by cheating and that obtained the compensation illegally and that the said colony was demolished without taking any prior permission of the Government. It is alleged that the Orig. Accused No. 1 to 6 inherited the land in their name and in connivance with each other to gain monetary benefit and along with Orig. Accused No.7 cause loss to Government and that further sold the land to Orig. Accused No.8 by way of a Registered sale deed and in this way have committed an offence, hence, complainant has filed F.I.R. against the present applicant.

(3) Notice in pursuance to present application was issued to the respondent-state, and on service of notice, Ld.PP appeared on behalf of the state.

(4) Investigating officer has filed his affidavit, objecting release of the applicant - orig. accused no.7 on bail, vide Exh.5.

- (5) Ld.Advocate for the applicant has submitted that he is innocent and has not committed any offences as alleged against him and no prima facie case has been made out against him and the said offence is triable by Judicial Magistrate First Class hence, this Court has jurisdiction to allow this bail application. The present applicant has been wrongly implicated in the said offence. If, the complaint of the said offence is taken into consideration, there is no allegation made against the present applicant of submitting false documents or making false declarations or making false affidavits, therefore, the present applicant is entitled to obtained bail. The present case is a related to documentary evidence and all the documentary evidence is currently in police custody, so there is no need for judicial custody of the present applicant nor is there any possibility of tampering with the evidence. The present applicant has no criminal history and the present alleged offence is the applicant's first offence. The present applicant is a self-employed person and he has all the responsibility of his family. The accused is permanently residing at the address mentioned in the application not runaway and he is responsible for the maintenance of the family and he is not likely to tamper with the evidence and is ready to cooperate with the police investigation whenever and however necessary. Applicant has stated that his custodial interrogation has already been completed and there is no question for more recovery and discovery. He has filed Anticipatory bail application being Cr. Misc. Application No.114/2026, which was rejected by the Hon'ble Court. He has further submitted that he is

having no past antecedents and he is ready & willing to abide by the conditions that may be imposed by the court. Hence, present application be allowed.

(6) I.O. i.e. P.I. of Mahemdavad Police Station, in its affidavit vide Exh.5 states that the present applicant is the orig. resident of the Vathvali and giving service as Panchayat Member of the Vanthvali Gram Panchayat. Despite the fact that the applicant/accused himself is well aware that there were about 10 houses (offices/residential houses) of the Irrigation Department in Block No. 836 within the limits of Vanthwali village since 1980, in order to obtain financial benefits the Orig. Accused/present applicant has demolished the 10 houses and Varanda through J.C.B., and cause loss to Government property and also obtained Rs.1,60,000/- for cutting down the 31 number of green trees from the Colony of Irrigation Department and committed such an serious offence. Before this bail application the present Hon'ble Court has rejected his Anticipatory bail Application bearing Cr. Misc. Application No.114/2026 hence, considering all these aspects, the present application is required to be rejected

(7) Ld.P.P. submits that investigation is in progress and when the applicant's involvement in the serious crime is established, no case is made out as would entitle the applicant to the relief's sought. It is also submitted that there is likelihood of tempering with the evidence as well as threatening the complainant hence, considering all these aspects, the present application is required to be rejected.

**(8)** *It is necessary for the courts dealing with application for bail to consider among other circumstances, the following factors also before granting bail, they are :-*

*(1) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence;*

*(2) Reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;*

*(3) Prima facie satisfaction of the Court in support of the charge.*

**(9)** I have heard the Ld.Advocate for both the sides, perused the police papers, affidavit of the I.O. and documentary evidence produced by the applicant at List Exh.3. Looking to the police papers and Affidavit of the I.O. the investigation is still in progress and the need for special interrogation of the applicant- orig. accused arises for the investigation.

**(10)** Hence, affidavit of the Investigating Officer clearly indicates that a prima facie case made out against the applicant and looking to the seriousness of the offence, the investigation is still in progress and special interrogation of the applicant- orig. accused will need in the investigation therefore, if he released on bail, there is a possibility that he will abscond and also there is a possibility of disruption in the investigation. Hence, it does not deems just to release the applicant on bail, at this stage. Hence, the following order:-

**:- ORDER :-**

- [1] Criminal Misc. Application No.255/2026 of the applicant, Makwana Jayeshkumar Navinbhai @ Jayeshkumar Navinbhai Meghval for the offences registered u/Ss. 318(2), 324(3), 324(5), 329(3) 336(2)(3), 338, 340(2) and 61(2)(a) of the Bhartiya Nyay Sanhita, 2023, is hereby **REJECTED**.
- [2] Applicant be informed of the said order through Concern Jail authority.

Signed and Pronounced in open court on 11th Day of March, 2026.

Date:11/03/2026  
Place: Nadiad

**(MUKESHKUMAR JAYANTILAL BRAHMBHATT)**  
4<sup>th</sup> Additional Sessions Judge  
Kheda at Nadiad  
**Code No.GJ00754**