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

CRIMINAL MISC. APPLICATION NO.280 OF 2026

Exh.: 6

APPLICANT :~

Vinodbhai Manubhai Talpada
Age: 45 Yrs., Occup.: Labour work,
Residence: Opp. Santanna High School,
B/h. Patel Faliya, Mu.Ta.: Nadiad, Dist.: Kheda.

Versus

Respondent :~

Govt. Of Gujarat

For the Applicant	:	Ld.Advocate Mr. D.V. Talpada
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) Applicant, Vinodbhai Manubhai Talpada has preferred present application for regular bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, (Sec. 439 of Cr.P.C) for the offence u/Ss.305(d), 331(3)(4) of Bharatiya Nyaya Sanhita registered vide I.CR. No.11204045260018/2026 at Nadiad Rural Police Station.
- (2) Heard Ld. Advocate Ms. K.R. Barot for the Applicant-Accused and Ld. A.P.P. Mr. D.R. Barot for the State.

Perused the police papers at List Exh.3, Affidavit at Exh.5, filed by Investigating Officer of this offence.

(3) The brief details of the said complaint are as follows:

Between the period of 08/01/2026 at about 6.30 in the evening to to 09/01/2026 6.45 in the morning, an unknown thief had broke the lock of the iron Gate of the Ambe Mataji Temple located at Salun Talpad Gram Panchayat and illegally entered in the temple. He found gold ornaments worn by the idol of Ambe Mata in the Ambe Mata temple approximately Three and Half Tolas amount of Rs.1,40,000/- and silver jewelry about 1 kg, approximately amount of Rs.50,000/-, and a steel box containing cash of Rs.50/- and the temple's electricity bill for the months of July and August, worth Rs.300/-, were found, totaling Rs. 1,90,050/- stolen from the said temple and committed said offence and complainant has filed complaint against the accused and thereafter, accused was arrested on 21/01/2026. and produced before the Ld.Trial Court on 24/01/2026. Thereafter the present applicants have filed a bail application in the Ld. Trial Court on 05/03/2026, which was rejected on 06/03/2026 and the applicant was ordered to be sent to judicial custody. Hence, the present applicant has filed present bail application.

(4) The Ld.Advocate for the applicant has submitted that applicant has not committed the said offence and he is innocent and he has responsibility of his family and his name has been wrongly implicated in the said offence. No prima facie case has been made out against him and no any direct or indirect role has been made out in the said offence. He has

further submitted that only on the basis of doubt he is arrested and the said muddamal has been recovered without any ownership and he is not doing any such type of business.

It is further submitted that he is poor person and if, he was not released on bail then his children will suffer and he is the permanent resident of the Address mentioned in the Bail Application and he will not flee from justice. It is further submitted that the Hon'ble Court has allow the Cr. Misc. Application No.84/2026 in the same offence hence, on the ground of parity his bail application may also be allowed. He has also stated that he will cooperate in Police Investigation and shall appear before the Investigation Agency as and when, called for. He will not temper with the evidence and he will follow all the terms and conditions, of the Bail, if, granted Regular Bail. Hence, considering all these aspects, the present Applicant is required to be enlarged on Regular Bail.

- (5) Learned APP. Mr. D. R. Barot, appearing on behalf of the State has vehemently argued by filing the Affidavit at Exh.5. Ld.PP. 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.

(6) I.O. of the Nadiad Rural Police Station has filed his Affidavit vide Exh.5, wherein he has submitted that the present applicant/accused Vinodbhai @ Vinu Manubhai Talpada, after committing the said theft, has stolen gold and silver ornaments worth Rs. 4,33,500/- from the Mota Mahadev Temple and the accused in this case is a habitual and very experienced offender, who has been involved in the serious offences like theft, assault, accident, prohibition and gambling and PASA, Who has no fear of law and if, he released on bail he repeatedly do the such kind of serious crime and he keeps committing criminal activities again and again and he is a habitual offender with a habit of stealing so that the accused, after committing the crime of stealing from the said temple, within a few days, he theft of jewellery worth Rs. 4,33,500/- from the Mota Mahadev Temple. Therefore, if the said applicant/accused is released on bail, he may commit similar offence again and cause damage to the property of the people for his own financial gain an there is likelihood of tempering with the evidence as well as threatening the complainant and witnesses, so in the interest of justice the present applicant/accused should not be released on bail.

(7) *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.*

(8) 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 present applicant is the habitual offender and so many serious offence like theft, assault, accident, prohibition and gambling and PASA has been done by him so he has no fear of law and if, he released on bail he repeatedly do the such kind of serious offence and he keeps committing criminal activities again and again.

The Ld.Advocate for the applicant has argued that this Hon'ble Court has allowed Cr. Misc. Application No.84/2026, which was for the same offence hence, on the ground of parity this application may be allowed but looking to the nature of present offence registered against the applicant, he is habitual offender and have done same kind of offence again and again and so many offences like theft, assault, accident, prohibition, gambling and PASA have also been registered against him hence, looking to the facts of the present case arguments advanced by the Ld.Advocate to release the applicant on the ground of parity is not at all accepted.

(9) 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. looking to the nature of the alleged offence as the applicant is the habitual offender if he, released at this stage, can tamper with the evidence & witnesses and thereby hamper the investigation of the said offence and there is a possibility that he will abscond Hence, it does not deem just to release the applicant on bail, at this stage. Hence, the following order.:

:- ORDER :-

- [1] Criminal Misc. Application No.280/2026 of the applicant, Vinodbhai Manubhai Talpada for the offence registered u/Ss.305(d), 331(3)(4) of Bharatiya Nyaya Sanhita 2023, is hereby **REJECTED**.
- [2] Applicant be informed of the said order through Concern Jail authority.

Signed and Pronounced in open court on 12th Day of March, 2026.

Date:12/03/2026
Place: Nadiad

(MUKESHKUMAR JAYANTILAL BRAHMBHATT)
4th Additional Sessions Judge
Kheda at Nadiad
Code No.GJ00754