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**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS
JUDGE, AHMEDABAD (RURAL)**

CRIMINAL MISC. APPLICATION NO. 653 OF 2026

Exh.

APPLICANT/ACCUSED:

Hitesh Popatji Thakor
Age: 19 years, Occupation : Service,
Residing at: In the house of Vishnubhai Bharwad,
Azad Nagar, Beside Rushikesh Vidhyalaya, Sarkhej,
Ahmedabad.
(Presently in judicial custody at Sabarmati Central Jail,
Ahmedabad).

V/s.

OPPONENT :

The State of Gujarat

Sub:Application under Section 483 of The Bhartiya Nagrik Suraksha Sanhita, 2023 seeking regular bail after chargesheet.

Appearance:

Mr.H.M.Pujara, Learned Advocate for Applicant/accused.

Mr.P.M.Trivedi, Learned Public Prosecutor for Opponent/The State.

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

1. The present application is preferred by the applicant u/s.483 of The Bhartiya Nagrik Suraksha Sanhita, 2023 (hereinafter referred as 'BNSS') in connection offence registered vide Part-A C.R. No.11191048250910/2025 with Sarkhej Police

Station, Ahmedabad for the offence punishable u/s. 137(2), 87, 103(1), 238(a), 54 of The Bharatiya Nyaya Sanhita (hereinafter referred as 'BNS'), Section 135(1) of The Gujarat Police Act seeking regular bail after chargesheet.

2. Ld. Advocate Mr.H.M.Pujara appearing on behalf of the applicant - accused submits that, the applicant is innocent and has not committed any offence as alleged by the prosecution. Applicant is not named in the FIR. Applicant was arrested on 19/10/2025 and thereafter was sent to judicial custody. Applicant has not played any direct or indirect role in commission of the offence. There is no prima facie case against the applicant. Investigation is concluded and chargesheet is filed and upon perusing the chargesheet the role of applicant is mentioned as applicant has helped in throwing the dead body of deceased in canal, however, the applicant has not committed any such act. Applicant has fully cooperated the investigation.

2.1 Applicant has no past antecedents. Applicant is 19 years old and the trial will take its own time to conclude, therefore, if the applicant is not enlarged on bail then he is likely to suffer pre-trial conviction. Applicant is the sole bread winner of his family, therefore, if the applicant is not enlarged on bail then his family is likely to suffer. Applicant is residing with his family in Ahmedabad, therefore, the applicant is not likely to flee or abscond from the clutches of law, if enlarged on bail. As the investigation is concluded and chargesheet is filed, therefore, there is no possibility of applicant tampering with the evidence or influencing and/or coercing the witnesses of the case, if enlarged

on bail. It is submitted that the applicant will abide by any stringent conditions that may be imposed upon while exercising discretion in his favour. It is accordingly urged to allow present application. In support of his arguments, Ld. Advocate for the applicant has relied on the decision of the Hon'ble Allahabad High Court in case of "*Shadab Vs. State of U.P. 2026 SCC Online All 5*".

3. Ld. Public Prosecutor Mr.P.M.Trivedi appearing on behalf of the State opposed the grant of bail to the present applicant. He submits that the applicant is charged for the offence under Section 137(2), 87, 103(1), 238(a), 54 of The BNS, Section 135(1) of The Gujarat Police Act. He submits that as per the prosecution case accused - Ajay S/o Ishwarbhai Ravjibhai Thakor had two months prior to 14/10/2025 kidnapped the complainant's minor daughter aged 15 years and 8 months (Date of Birth: 02/02/2010), from Khambhat with the intent to marry her, and subsequently released her. Thereafter, on the late night of 13/10/2025 at around 10:00 PM, both the accused took the complainant's minor daughter (aged 15 years and 8 months) in a rickshaw to a deserted location near the Narimanpura Canal. Accused Hitesh Popatji Thakor held the complainant's minor daughter, while accused Ajay S/o Ishwarbhai Ravjibhai Thakor inflicted serious injuries on the minor girl - Roshni using a blunt object on her head and face and a knife on her neck, thereby causing her death. They then threw the dead body into the canal. Subsequently accused - Ajay S/o Ishwarbhai Ravjibhai Thakor destroyed critical evidence by disposing of the clothes he was wearing at the time of the incident, which were likely to contain

the blood of the minor deceased. By aiding and abetting each other, they committed the offence. Name of applicant – accused was disclosed during the investigation. The call details of mobile no.9725042120 of applicant – accused for the period from 13/10/2026 to 14/10/2026 shows conversation between both the accused at the time of incident. The location of said mobile number also shows its presence nearby the place of incident on 13/10/2026. Applicant-accused has played active role in commission of offence. If the applicant – accused is enlarged on bail, then he is likely to tamper the evidence and influence and/or coerce the witnesses of the case. Ld. Public Prosecutor has placed reliance on affidavit of Investigating Officer (Exh.5, 8) and has urged to reject the bail application.

4. Heard the learned Advocates for the respective parties. The Court has gone through the bail application, documents annexed with it, judgment relied on, affidavits of the I.O. (Exh.5, 8), and case papers. It is clarified that the observations made by this Court are prima facie and tentative in nature and is confined for deciding this bail application and it will have no relevance during the trial. Following factors are taken into consideration while deciding this bail application:-

- i) The applicant is charged for the offence punishable under Section Section 137(2), 87, 103(1), 238(a), 54 of The BNS, Section 135(1) of The Gujarat Police Act.
- ii) As per the prosecution case, accused - Ajay S/o Ishwarbhai Ravjibhai Thakor had previously kidnapped the complainant's

minor daughter aged 15 years and 8 months, with the intent to marry her. On the night 13/10/2025, both the accused took the victim to a deserted area near the Narimanpura Canal. As per the allegations applicant - accused - Hitesh Popatji Thakor facilitated the crime by holding the victim, while accused - Ajay S/o Ishwarbhai Ravjibhai Thakor caused her death by inflicting severe injuries to her head, face, and neck with a blunt object and a knife. Following the murder, the deceased's body was thrown into the canal. Accused - Ajay S/o Ishwarbhai Ravjibhai Thakor intentionally destroyed evidence by disposing of his blood-stained clothes and thereby, both accused have committed the offence.

iii) It prima facie reveals from the case papers that co-accused – Ajay S/o Ishwarbhai Ravjibhai Thakor had kidnapped minor daughter of the complainant for marriage. On 13/10/2025 Ajay S/o Ishwarbhai Ravjibhai Thakor and applicant – accused – Hitesh Popatji Thakor took the minor daughter of complainant in Rickshaw towards Narimanpura Canal where the present applicant – accused is stated to have caught hold of deceased and co-accused – Ajay S/o Ishwarbhai Ravjibhai Thakor had inflicted blunt object on the head and mouth of deceased and thereafter, had cut the neck of deceased with knife and committed murder and thereafter, the dead body of deceased was thrown in the canal.

iv) As per the affidavit of I.O., the call detail record of applicant's mobile phone number 9725042120 for the period from 13/10/2026 to 14/10/2026 reveals that he had talked with

co-accused – Ajay S/o Ishwarbhai Ravjibhai Thakor during the time of incident and mobile phone location of applicant – accused of 13/10/2026 is around the place of incident.

v) As per P.M. note the cause of death is shock and haemorrhage as a result of cut throat associated with head injury. The offence leveled against the applicant–accused provides punishment of life imprisonment or death penalty.

5. In view of facts and circumstances noted hereinabove, considering the involvement of applicant – accused in serious offence of committing murder of a minor girl and thereafter, throwing the dead body in canal coupled with the nature of CDR and tower location of applicant's mobile number, this Court is not inclined to exercise discretion in favour of the applicant – accused and accordingly following order is passed.

-: ORDER :-

1. The regular bail application of applicant - accused is **rejected**.

Copy of this order be sent to concerned Jail Authority to convey the same to the applicant.

Pronounced and signed in the open court today.

Date :18/03/2026
Place:Ahmedabad

(Kamal M. Sojitra)
Principal District & Sessions Judge
Ahmedabad (Rural)
U.I.Code No.GJ01494