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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,  
BANASKANTHA AT THARAD.**

**(Cr.M.A. No. 132 of 2026)**

**Kamleshbhai Jethalal @ Jethabhai Solanki**

Aged : Adult,  
R/o. : C.1002, Near Kalash Diamond 27,  
Chandkheda, Ahmedabad

**...Applicant**

**VERSUS**

**The State of Gujarat.**

Through Ld. Addl.P.P., Tharad.

**...Opponent**

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**Appearance:-**

**Shri M. G. Tank**, Learned Advocate for the Applicant.

**Shri R. D. Joshi**, Learned Addl.P.P for the State.  
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**APPLICATION FOR REGULAR BAIL**

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

1) The applicant – accused has preferred this application for releasing him on regular bail in connection with F.I.R. No.11996006250910/2025 registered at Tharad Police Station, Banaskantha for the offences punishable under Section 103(1), 238, 351(3), 61(1), 140(1), 54 of BNS.

2) Pursuant to filing of the application, notice came to be issued and served upon the opponent State and the learned Addl.P.P Shri R. D. Joshi has appeared on behalf of the State and has argued against the present application.

3) I have heard the learned advocate for the applicants and Ld. A.P.P. for the opponent-State.

4) The Ld. Advocate for the applicant has argued as per the bail application filed by him and has drawn my attention to the facts of the complaint. Ld. Advocate for the applicant has further argued that the applicant is innocent and he has been falsely implicated in the present case. It is further argued that as per the complaint, the deceased had left home on 12/10/2025 before 17:00 hours and his dead body was found on 13/10/2025, however, no efforts were made to search for him during this period and the complaint was lodged only on 14/10/2025 at 16:00 hours, resulting in an unexplained delay of about 23 hours after the death became known. It is further stated that an audio clip released by the deceased prior to his death does not mention the name of the applicant-accused, indicating false implication. The Ld. Advocate for the applicant has submitted that the allegation that the applicant paid Rs. 20 lakhs as a contract amount to co-accused Pankajbhai Hemjibhai Parmar for committing murder, including Rs. 1 lakh as advance, is denied and claimed to be a misinterpretation of prior business transactions conducted through Google Pay and there is no evidence showing the applicant's presence at the scene, involvement in the offence, destruction of evidence, threats,

kidnapping, or conspiracy under the Bharatiya Nyaya Sanhita provisions.

Ld. Advocate for the applicant has relied upon the judgment of Hon'ble Supreme Court in case of Mihir Rajesh Shah vs. State of Maharashtra (Laws (SC) 2025-11-9) through DE List at Exh.7 and has submitted that as per the ratio laid down in this judgment, the ground of arrest must be communicated in writing to the arrestee but in the present case, the police had not communicated the grounds of arrest and hence, the present applicant is liable to be released on bail. Ld. Advocate for the applicant has also filed a purshis at Exh.10 and has submitted that the applicant has been kept in police custody for more than 24 hours which is illegal and hence the applicant should be released on bail. It is further argued that the investigation of the case has been completed and charge-sheet has already been filed and no recovery or discovery is to be made from the present applicant. Ld. Advocate for the applicant has further submitted that the applicant is in custody since 01.11.2025 and now, no recovery or discovery is to be made from the present applicant and there is no possibility to tamper the investigation. It is further argued that the applicant is ready to abide by all the conditions imposed by this court while granting bail. It is further argued that the present applicant has been wrongly implicated in the present case and he is required to be released on bail on suitable conditions and requested to allow the present application on suitable conditions.

5) The learned A. P. P. Shri R. D. Joshi has vehemently argued that the present applicant is the accused in a serious

offence related to murder. It is further argued that the applicant was the main conspirator of the who created unlawful assembly for the murder of the deceased and there are sufficient material available against the present applicant. It is further argued that the present applicant/accused, in furtherance of a criminal conspiracy, engaged co-accused persons to murder Rasikbhai by offering Rs.20,00,000/- and paying Rs.1,00,000/- as token money to Pankajbhai and pursuant to the plan, the deceased was lured into a rickshaw and taken to Sami, where he was transferred into an I-20 car and while traveling towards Kotharwada Canal via Radhanpur and Bhabhar, co-accused strangled the deceased with a rope and threw his body into the canal, subsequently discarding the rope and the deceased's mobile phone to destroy evidence. It is further argued that the CCTV footage captures movements of the rickshaw and car, and call detail records show frequent communication between the applicant and co-accused before and on the day of the incident and hence, sufficient material is available against the accused persons. It is further argued that though the investigation of the present case has been completed and charge-sheet has been filed but still the material witnesses are remaining to be examined and if the applicant would be released on bail, there is a greater possibility that he would attempt to win over the witnesses. Ld. APP has further argued that considering the gravity of the offence, the applicant should not be released on regular bail. With these arguments, Ld. APP for the State has requested to reject the present application.

6) I have heard the rival submissions of both the parties. I have also considered the contents of the present bail application

as well as the contents of FIR. I have also considered the affidavit filed by the I.O. at Exh.6 and the opinion of I.O. for rejection of the present application, are re-produced as under :

"(૧) સદરહુ ગુન્હાના કામે આ કામના અરજદર/તહોદારે સહ તહોદાર પંકજભાઈને રસિકભાઈનુ પુરુ કરી નાખો પતાવી દો તેમ કહી ગુનાહિત કાવતરૂ રચી અરજદાર/તહોદાર કમલેશભાઈ જેઠાભાઈ સોલંકીનાઓએ રસિકભાઈને પતાવી દેવા સારૂ તહોદાર પંકજભાઈને એક લાખ રૂપિયા ટોકન પેટે આપી વીસ લાખ રૂપિયાની ડીલ નક્કી કરી તહોદાર પંકજભાઈએ ભીખાભાઈને તે ટોકનના એક લાખ રૂપિયા આપી તહોદારોએ રીક્ષામાં લઈ જવાનો પ્લાન નક્કી કરેલ તે મુજબ ભીખાભાઈએ મરણજનાર રસિકભાઈને બોલાવી તહોદાર પંકજભાઈ તથા સુરેશભાઈ ઉર્ફે ઘેગાભાઈ જેઓ તહોદાર સુરેશભાઈ ઉર્ફે ઘેગાભાઈની રીક્ષા લઈ આવી મરણજનારને સમી સુધી રીક્ષામાં લાવેલ બાદ તહોદારોએ અગાઉથી નક્કી કરેલ કાવતરા મુજબ રીક્ષા સમી મુકી દીધેલ અને તહોદાર કલ્પેશભાઈ ઉર્ફે કમાભાઈએ દોરડુ ખરીદી કરી લાવી રાખેલ હતુ જે આઈ-૨૦ ગાડીમાં દોરડુ રાખી ગાડી લઈ સમી ગયેલ અને પ્લાન મુજબ મરણજનાર રસિકભાઈને ગાડીની ડ્રાયવરની બાજુની ખાલી સીટમાં બેસાડી મરણજનારની પાછળની સીટમાં તહોદાર ગંગારામભાઈ બેસેલ તેની બાજુમાં તહોદાર પંકજભાઈ અને તેની બાજુમાં તહોદાર સુરેશભાઈ ઉર્ફે ઘેગાભાઈનાઓ બેસી અને ગાડી તહોદાર કલ્પેશભાઈ વાસુભાઈ ચાચાણીનાઓએ ચલાવી સમીથી રાઘનપુર થઈ ભાભર થઈ મીઠા રોડ પર ગાડીમાં નક્કી કર્યા મુજબ તહોદાર કલ્પેશભાઈ દોરડુ ગાડીમાં લઈ આવેલ હતો અને કોતરવાડા કેનાલથી એક કિલોમીટર દુર રહેતાં તહોદાર પંકજભાઈએ તહોદાર ભીખાભાઈને શીટની પાછળના ખાનામાંથી દોરડુ કાઢવા માટે હાથ લાંબો કરતાં તહોદાર ભીખાભાઈએ દોરડુ કાઢી દોરડાને વાટ દઈ રસિકભાઈ આગળની સીટમાં બેસેલ હતો તેના ગળામાં નાખી તહોદાર ભીખાભાઈ તથા પંકજભાઈ તથા સુરેશભાઈ ઉર્ફે ઘેગાભાઈએ ખેચી દોરડાથી ટુપો આવી જતાં કોતરવાડા કેનાલ પુલ આપતાં પુલ પરથી મરણજનાર રસિકભાઈને ગાડીમાંથી કેનાલમાં તહોદાર ભીખાભાઈ તથા પંકજભાઈ તથા સુરેશભાઈ ઉર્ફે ઘેગાભાઈએ મરણજનાર રસિકભાઈની લાશ કેનાલમાં નાખી દીધેલ અને કોતરવાડા પુલથી થોડે આગળ દોરડુ ફેંકી દીધેલ અને ભાભર રાઘનપુરથી સમી ગયેલ અને સમી હોટલ પર રીક્ષા પડેલ હતી ત્યાં સુધી તહોદાર કલ્પેશભાઈ ગાડીમાં પરત મુકવા ગયેલ અને સમીથી તહોદાર ભીખાભાઈ ઉર્ફે ગંગારામભાઈ તથા પંકજભાઈ તથા સુરેશભાઈ ઉર્ફે ઘેગાભાઈ ઉતરી ગયેલ અને ગાડીમાં રસિકભાઈનો ફોન પડી ગયેલ હતો તે તહોદાર પંકજભાઈએ લઈ લીધેલ અને તહોદાર કલ્પેશભાઈ ગાડી લઈ ભાભર અનાસણા જતો રહેલ અને તહોદાર ભીખાભાઈ ઉર્ફે ગંગારામભાઈ તથા પંકજભાઈ તથા સુરેશભાઈ ઉર્ફે ઘેગાભાઈ રીક્ષા લઈ અમદાવાદ જતા હતા ત્યારે જુડાલ ચાંદખેડા વચ્ચે કેનાલ આપતાં તહોદાર પંકજભાઈએ ફોન ફેંકી દીધેલ હતો આમ તહોદારોએ ગુનાહિત કાવતરૂ રચી મરણજનારને રસિકભાઈને મારી કેનાલમાં ફેંકી દઈ દોરડુ તથા મોબાઈલ ફોન ફેંકી દઈ પુરાવાનો નાશ કરેલ છે સદર કામે રીક્ષા તથા ગાડી રોડ પર પસાર થાય તેના સી.સી.ટી.વી કુટેજ મળી આવેલ છે તથા અરજદાર/તહોદાર કમલેશભાઈએ એક લાખ રૂપિયા ટોકનપેટે આપી મરણજનાર રસિકભાઈને પતાવી નાખવા ગુનાહિત કાવતરૂ રચી મરણજનારની હત્યા કરી ગંભીર પ્રકારનો ગુનો આચરેલ છે.

(૨) સદરહુ ગુન્હાના કામે અરજદાર/તહોમતદાર કમલેશભાઈના મો.નં.૮૭૯૯૧૯૬૬૪૭ પર પંકજભાઈના મો.નં.૭૨૮૪૯૦૧૦૮૬ થી બનાવ અગાઉ તથા બનાવના દિવસે અવારનવાર વાતચીત થયેલ છે.

(૩) સદરહુ ગુન્હાના કામે અરજદાર તહોદારે સહ તહોદાર પંકજભાઈને એક લાખ ટોકન આપેલ તે સુઠાસ એપાર્ટમેન્ટના દરવાજા નજીકના સી.સી.ટી.વી કુટેજ

મળેલ છે તથા સહ તહોદારોએ રીક્ષામાં બેસી આવેલ જે રીક્ષા બનાવના રાત્રિના સમયે સીએન.જી પેટ્રોલ સાઝ પેટ્રોલપંપ પર ગયેલ તે સી.સી.ટી.વી કુટેજ મળેલ છે તથા ગાડી પસાર થાય તે ઝટના સી.સી.ટી.વી કુટેજ મળેલ છે જે એફ.એસ.એલ ખાતે મોકલેલ છે અને તહોદારના મોબાઇલ નંબરની કોલ ડીટેઇલ એનાલીસીસ કરતા પણ બનાવના અગાઉના દીવસની તથા બનાવના દિવસની કોલડીટેઇલમાં સહ તહોદારો સાથે વાતચીત થયેલ છે જેથી અરજદાર/ તહોદારના જામીન ના મંજૂર કરવા વિ. છે”

The perusal of the above content shows that the Prosecution alleges that the present applicant/accused, in furtherance of a criminal conspiracy, engaged co-accused persons to murder Rasikbhai by offering Rs. 20,00,000/- and paying Rs. 1,00,000/- as token money to Pankajbhai and pursuant to the plan, the deceased was lured into a rickshaw and taken to Sami, where he was transferred into an I-20 car and while traveling towards Kotharwada Canal via Radhanpur and Bhabhar, co-accused strangulated the deceased with a rope and threw his body into the canal, subsequently discarding the rope and the deceased's mobile phone to destroy evidence. It is also stated that the CCTV footage captures movements of the rickshaw and car, and call detail records show frequent communication between the applicant and co-accused before and on the day of the incident which shows that the present applicant is the main conspirator of the present offence. The main contention on behalf of the accused is that the police had not communicated the grounds of arrest and there are procedural lapse in the present case are concerned, the P.I. Tharad Police Station has filed a report with regard to grounds of arrest at Exh.11 along with the copy of Notice under Section 47 of the BNSS and it appears from it that the police had communicated the grounds of arrest and therefore, this contention of the applicant-accused is not acceptable. The another contention on behalf of the applicant is that the applicant

has been kept in police custody for more than 24 hours which is illegal are concerned, there are no sufficient material to prove the contentions submitted in Exh.10 by the Ld. Advocate for the applicant and hence, this contention also does not acceptable. Further, the applicant is an accused in a heinous offence of murder and I find force in the arguments of Ld. APP for the State that though the investigation of the present case has been completed but still the material witnesses are remaining to be examined and if the applicant would be released on bail, there is a greater possibility that he would attempt to win over the witnesses. Therefore, considering all the facts and material on record and gravity of the offence, I am of the opinion that present application for regular bail cannot be entertained and the same is rejected with the following order.

**// ORDER //**

- 1] The Criminal Misc. Application No. 132/2026 is hereby rejected.

Signed and Pronounced in the Open Court on this 10<sup>th</sup> day of March, 2026 at Tharad, Banaskantha.

**THARAD**  
**DATE : 10/03/2026**

**(P. M. SAYANI)**  
**ADDL. SESSIONS JUDGE,**  
**THARAD, BANASKANTHA**  
**CODE No. [GJ00575]**