

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 1423 of 2026

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NAYANBHAI ISHVARBHAI BAHTI@MARVADI & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR BHUNESH C RUPERA(3896) for the Applicant(s) No. 1,2,3,4

MS DIVYA S PANCHAL(12101) for the Applicant(s) No. 1

MR. MANAN MAHETA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS

Date : 13/03/2026

ORAL ORDER

1. Heard Ms. Divya S. Panchal, learned advocate appearing for the applicants and learned APP Mr. Manan Maheta appearing for the respondent No.1 - State. Perused the entire materials on record along with the impugned FIR, the charge-sheet papers as well as the original investigation papers.

2. It *prima facie* appears that the entire case of the prosecution is based upon the oral statement of the witness Dineshbhai S/o Jethabhai Dhanjibhai Solanki. He has stated in his statement that all the accused were present in the house of the deceased soon before the incident. It appears that the Investigating Officer has not collected any CCTV footages and no CDR is produced on record to suggest the presence of all the accused at the place of the alleged incident. It *prima facie*

appears that except the statement of the aforesaid witness, there is no incriminating evidence on record against the applicants.

3. Issue **Notice** to the respondents, making it returnable on **04.05.2026**.

4. Learned APP Mr. Manan Maheta waives service of notice for and on behalf of respondent No.1 - State. The respondent no.2 shall be served through the Investigating Officer of the concerned Police Station.

5. In the meantime, let there be an ad-interim relief in terms of paragraph 9(c) qua the present applicants, till the next date of hearing.

(VIMAL K. VYAS, J)

AMAR SINGH