

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 3174 of 2026

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MANSUKHBHAI @MANUBHAI JEKI BALUBHAI LAKHANI

Versus

STATE OF GUJARAT

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Appearance:

MR JM PANCHAL, SENIOR ADVOCATE with

MR. RAUHAN R GOGDA(18582) for the Applicant(s) No. 1

MR VIRAT G POPAT(3710) for the Respondent(s) No. 1

MR TRUPESH KATHERIA ADDL. PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 24/03/2026

ORAL ORDER

1. Heard learned senior advocate Mr.J.M.Panchal with learned advocate Mr. Rauhan Gogda appearing on behalf of the applicant, learned Additional Public Prosecutor Mr. Trupesh Katheria appearing on behalf of the respondent-State and learned advocate Mr. Virat Popat for the original complainant.

2. **Rule.** Learned APP waives service of rule on behalf of the respondent-State and learned advocate Mr. Virat Popat waives service of rule on behalf of original complainant.

3. The applicant has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicant on Regular Bail in connection with FIR being **C.R. No. 11191037251561 of 2025 registered with Odhav Police Station, District: Ahmedabad City** for the offence punishable under Sections 103(1), 61(2), 238 of the BNS Act and under Section 135(1) of the GP Act.

4. Learned senior advocate for the applicant would submit that considering the role attributed to the applicant, and nature of the allegation levelled, the applicant may be enlarged on regular bail. It is further submitted that since the charge-sheet is filed no useful purpose would be served by keeping the applicant in jail for indefinite period. It is further contended that the applicant is ready and willing to abide by all the conditions that may be imposed by this Court if released on bail.

5. As against the same, learned Additional Public Prosecutor appearing for the respondent – State and learned advocate Mr. Virat Popat for the original complainant have vehemently objected to the grant of regular bail. Learned APP has submitted that looking to the nature of offence and the role

attributed to the present applicant as coming out from the charge-sheet, this Court may not exercise the discretion in favour of the applicant and the application may be dismissed.

6. Having heard learned senior advocate for the applicant and learned advocates for the other parties, this Court is disinclined to exercise its discretion in favour of the present applicant for the following reasons:

i. The offence being very serious inasmuch as the accused are alleged to have murdered the deceased. The allegations get aggravated when one considers that the present applicant is stated to be a person who had engaged the other co-accused on contract basis to do away with the deceased and whereas, the co-accused, in furtherance of such a contract, having done away with the deceased and thereafter, later on having caught after having disposed of the dead body.

ii. Learned senior advocate Mr. Panchal would submit that there is no evidence against the present applicant except the statement of the co-accused and whereas it is submitted that statement of co-accused and not to be the only reason for which, the present applicant should be in custody till the trial gets over. Learned senior advocate would submit that undoubtedly while the investigating officer is stated that some

of the co-accused by giving statement under Section 183 of the BNS Act the contents of which are not known to learned senior advocate since copy thereof, is not given to the accused yet, even considering the same, that ought not to be the only reason, for continuing incarceration of the present applicant.

iii. Learned senior advocate would submit that while the allegation is of the co-accused having sent a video and voice notes to the mobile phone of the present applicant yet, the allegation further being that while the mobile phone of the present applicant had been recovered, the applicant had deleted all the voice notes and videos and whereas, there is nothing recovered in the FSL examination. Learned senior advocate would submit that while there is a video which is allegedly recovered in the FSL examination yet, the FSL report is not clear as regards whether the video was sent to the present applicant by someone or whether the present applicant had shared the video to some other co-accused. Learned senior advocate would submit that as such, the CDR location of the present applicant, does not match with the CDR location of the other accused. Learned senior advocate would submit that the present applicant, not being found in any CCTV footage near or around the place where the actual offence has taken place and whereas learned senior advocate would submit that

considering the age of the present applicant also, this Court may enlarge the present applicant.

iv. It would appear in this regard that the case of the prosecution being that the son of the present applicant and son of the deceased were partners in a project and whereas, there were some disputes with regard to the said project and the allegation further being that the present applicant had initially asked accused No.1 herein, one Himanshu @ Rahul to break the hands and legs of the deceased for which, the applicant had agreed to pay an amount of Rs.50,000/-. Later on, it also appears that the present applicant is stated to have given a knife to accused No.1 to do the deed and whereas, it also appears that since the accused No.1 could not commit the said act, the present applicant had given a promise of paying the accused an amount of Rs.1,20,00,000/- if they do away with the deceased.

v. The allegation further being that in furtherance of the contract, accused No.1 and a juvenile accused (who is now directed to be charged as an adult), had done the deceased to death and whereas, they had put the dead body of the deceased in a boot of the car of the deceased and while they had been joined by accused No.2 of the charge-sheet and more

particularly, accused No.1 having tried to call upon the present applicant, the applicant having not received the phone calls, certain voice notes were sent by accused No.1 to the present applicant. It also appears that accused No.2 of the charge-sheet had also taken a video of the deceased inside the boot of his own car and had forwarded to accused No.1 and accused No.1 is alleged to have forwarded the same to the present applicant.

vi. As the against the submissions by the learned senior advocate, investigation has revealed that the mobile phone of the present applicant and other accused, which was sent to the FSL for verification and retrieving of data, has revealed certain crucial details, the most important detail being voice notes, which had been sent by the accused No.1 to the present applicant being retrieved from the mobile phone of the accused No.1. A transcript of the voice notes, have been provided by the learned APP to this Court and whereas, learned APP under instructions would submit that copy of the voice notes are part of a pen-drive, which is annexed with the charge-sheet. Perusal of the voice notes, which are of the date of the incident from around 14:27 p.m. till around 22:14 p.m., reflects that the accused No.1, was trying to contact the present applicant after he had committed the murder and

whereas, he wanted the present applicant to make some arrangements as regards the promised money. Reading of the voice notes reveal that initially while the accused No.1 threatens the present applicant as regards keeping the entire money of the promise i.e. Rs.1,20,00,000/- ready, failing which, the accused would reveal that the crime had been committed at the instance of the present applicant. The voice notes also reveal that later on, the accused had also requested the present applicant that the dead body was in the car and that the present applicant should instruct as to what is to be done and that he should at least make some arrangements for some money with which the accused could abscond for the time being and whereas, the voice notes also reveals that the accused No.1 was agreeable that if the present applicant had given the remaining money, that is the contract money to the accused in any time thereafter.

vii. Prima facie, to this Court it would appear that the voice notes itself, is good enough material which reveals the role of the preset applicant, read with other material that is statement of a driver of the present applicant himself, that is one Maulikkumar Rathod, who has *inter alia* stated that he had witnessed the offer made by the present applicant to accused No.1 of breaking the hands and legs of the deceased for an

amount of Rs.50,000/- and whereas, he had later on witnessed the applicant having given some sharp edged object to the accused No.1. It also appears that the said witness, has reiterated his stand before the learned Magistrate in statement under Section 183 of the BNS Act and whereas, except for the part where he does not very clearly states about the present applicant having given a knife to the accused No.1, the statement made before the investigating officer on 14.09.2025 and the statement made before the learned Magistrate under Section 183 of the BNS, are almost similar. The transcript of the voice notes, read with the statement of Maulikkumar, clearly establishes that a conspiracy had been entered into by the present applicant and co-accused and in furtherance of such conspiracy, the co-accused, had done away with the deceased, more particularly, the conspiracy being that the present applicant would pay an amount of Rs.1,20,00,000/- to the co-accused for doing away with the deceased.

viii. Furthermore, this Court has also noticed the fact that the video has also been recovered from the mobile phone of the present applicant and whereas, mobile phone of co-accused also had been sent for verification and the FSL report reveals that the video had been taken by accused No.2 on his mobile and the same had been sent to the accused No.1 and the

accused No.1 had forwarded the video to the present applicant. As a matter of fact, even the transcript report herein above also refers to the video in question. The video being the deceased, lying in the boot of his car, having sustained stab wounds. Thus, the same also appears to be clearly revealing that the co-accused, after having committed the murder, and the present applicant who had promised the contract, not responding, had even taken video of the deceased and had forwarded to the present applicant so as to ensure that the present applicant pays the amount as he had promised.

ix. This Court has also perused the statement of one Bhamersinh, who was a security guard in the society in which the present applicant is residing and whereas, the said witness has *inter alia* in his statement recorded before the investigating officer, has stated that on the day of the incident i.e. 13.09.2025 at around 3 p.m., three persons had come on a motorcycle inquiring about the present applicant and whereas, since the watchman had told that the applicant was not available at his residence, the said persons had gone from the said place, more particularly, stating their name as one Rahul Rathod i.e. accused No.1.

x. This Court has also perused the statement under Section

183 of once co-accused No.2 Pappu Meghwal and accused No.1 Himanshu @ Rahul which, more particularly, the statement of accused No.1 under Section 183 of the BNS, prima faice implicating the present applicant as being the person at whose behest the murder had happened.

xi. This Court has also considered the statement under Section 183 of one Suresh @ Badshah, who also *inter alia* states that he had gone to meet the present applicant at the instance of accused No.1 and whereas he had gone with accused No.1 and the present applicant in the car of accused No.1 to check out the status of the person who was to be assaulted as per the instruction of accused No.1 and whereas, upon releasing that the person who was to be assaulted was a well to do person, he had backed out. It also appears that the person who was assaulted according to the said person was the deceased.

xii. This Court has also considered the submission made by learned advocate Mr.Popat on behalf of the original complainant that the crime acquires further gravity and seriousness when one considers that the present applicant, had hired persons of very young age, the accused No.1 being aged around 18 years and 1 month and another accused, being a

juvenile accused to commit the alleged crime. This Court has appreciated the said submissions more particularly, to this Court it would appear that the seriousness of the crime would get aggravated when one considers that the accused, otherwise not having any background of crime that is the accused No.1 and the juvenile accused, not having any background of being involved in criminal activity, had been lured by present applicant with the offer of an extraordinary sum to do away with the deceased and whereas, he had led the said accused, who were persons of tender age, too entered into the world of crime by committing such a gruesome crime.

7. Having regard to the above, since it clearly appears that the crime is very serious where since it prima facie appears that the deceased had been killed by accused No.1 and juvenile accused, who prima facie had been engaged on contract basis by the present applicant and whereas, prima facie the role of the present applicant clearly appearing as the mastermind of the crime, to this Court discretion is not required to exercise in favour of the present applicant.

8. Hence, the application stands disposed of as rejected.
Rule is discharged.

(NIKHIL S. KARIEL,J)

NAIR SMITA V./12-DB-I

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SMITA VINU NAIR(HC00186), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 02/04/2026 10:46:18