

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 4708 of 2026

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RINABIBI W/O. ARIFKHAN AZIMKHAN PATHAN D/O. MAHAMMAD
MANURUDDIN SHEKH

Versus

STATE OF GUJARAT

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Appearance:

MR KEVAL G BRAHMBHATT (BAROT)(9900) for the Applicant(s) No. 1
NIRAJ SHARMA ADDL PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 25/02/2026

ORAL ORDER

1. Heard learned advocate Mr.Keval Brahmbhatt appearing on behalf of the applicant and learned Additional Public Prosecutor Mr. Niraj Sharma appearing on behalf of the respondent-State.

2. **Rule.** Learned APP waives service of rule on behalf of the respondent-State.

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. 11204017250282 of 2025 registered with Chaklasi Police Station, Kheda** for the offence punishable under Sections 336(2), 338, 339, 340(2), 238 and 54 of the B.N.S. Act and under Sections 14-B, 14-C of the Foreigners Act and under Section 12(1) (a), 12(1)(b) of the Passport Act.

4. Learned 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 has 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. I have heard learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

- i. allegations against the applicant is of committing offences punishable under sections 336(2), 338, 339, 340(2), 238 and 54 of the IPC and under sections 14B, 14C of the Foreigners Act and under Section 12(1)(a), 12(1)(b) of the Passport Act and whereas it would appear that the offence is alleged committed so as to ensure that the applicant who happens to be the wife of an Indian citizen could reside in India.
- ii. Prima facie, it would appear that except for the applicant and co-accused trying to ensure that the applicant resides in India, no other offence appears to have been committed.
- iii. The offence is not with regard to any other allegations;
- iv. it does not appear that stay in India was for facilitating any illegal/Anti-National activity whatsoever;
- v. The fact of the charge-sheet having been filed by the investigating officer also not reflecting any illegal/anti-National activity/purpose.
- vi. The fact of co-accused that is husband of the applicant

having been considered by this Court vide order dated 09.01.2026 in Criminal Misc. Application No.24164 of 2024.

This Court has taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. Central Bureau of Investigation** reported in [2012] 1 SCC 40.

7. In the facts and circumstances of the case and considering the nature of the allegations made against the applicant in the First Information Report, without discussing the evidence in detail, prima facie, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicant on regular bail.

8. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with F.I.R. registered as **C.R. No. 11204017250282 of 2025 registered with Chaklasi Police Station, Kheda**, on executing a bond of Rs.10,000/- (Rupees Ten Thousand only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that he shall;

- [a] not take undue advantage of liberty or misuse liberty;
- [b] not act in a manner injurious to the interest of the prosecution;
- [c] surrender passport, if any, to the lower court within a week;
- [d] not leave the State of Gujarat without prior permission of the Sessions Court concerned;
- [e] furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior intimation to the I.O.;

9. The Authorities will release the applicant only if he is not required in connection with any other offence for the time being. If breach of any of the above conditions is committed, the Sessions Court concerned will be free to take appropriate action in the matter.

10. Bail bond to be executed before the lower court having jurisdiction to try the case. It will be open for the concerned Court to delete, modify and/or relax any of the above conditions in accordance with law.

11. At the stage of trial, the trial court shall not be influenced by any observations of this Court which are of preliminary nature made at this stage, only for the purpose of considering the application of the applicant for being released on regular bail.

12. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(NIKHIL S. KARIEL,J)

NAIR SMITA V./21-DB

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 26/02/2026 10:56:59