

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 5072 of 2026**

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AARFAROZKHAN @ SAIJU S/O SAHIDKHAN PATHAN
Versus
STATE OF GUJARAT

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Appearance:

MR NIRAJGIRI M GAUSWAMI(13675) for the Applicant(s) No. 1
MR NISHITH P THAKKAR(2836) for the Applicant(s) No. 1
MR. USAMAH I. GANDHI(19578) for the Respondent(s) No. 1
MR LB DABHI, ADDL. PUBLIC PROSECUTOR for the Respondent(s) No. 1
TAHIR S SAIYED(8983) for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**

**Date : 06/03/2026
ORAL ORDER**

1. Heard learned advocate Mr.Nishith Thakkar appearing on behalf of the applicant and learned Additional Public Prosecutor Mr.L.B.Dabhi 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. 11191024251148 of 2025 registered with Ramol Police Station, Ahmedabad City, for the offence punishable under Sections 140(2), 296(b), 115(2), 351(3), 61(2) of BNS and Section 135 of the Gujarat Police 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) While the allegations in FIR being very serious inasmuch as the accused had conspired to kidnap the victim for ransom and whereas it would appear that the accused were successful in their plan and whereas they had received ransom amount of around Rs.52,00,000/- and whereas it would appear that the accused were caught with the ransom amount by investigating authority. The above being the case, yet it would appear that the learned Coordinate Bench of this Court had enlarged the principal conspirator one Rishising Bholesingh Sengar

vide an order dated 06.02.2026 in Criminal Misc. Application No.1472 of 2026, the present applicant, who was only a part of the conspiracy, is also required to be enlarged.

- (ii) While the learned APP Mr.Dabhi would submit that Rishising had only given the information etc. and whereas Rishising was neither part of the group, which had abducted the victim nor he was part of the group who had been arrested by the police authorities with the ransom amount, yet reading the charge-sheet laid by the Investigating Officer, it would clearly appear that Rishising was the main accused, having tipped off the other accused as regards his uncle i.e. the victim, having a lot of money and being a coward by nature, he could be abducted and they could earn easy money thereof.
- (iii) The fact of all the accused except Rishising being apprehended from the flat of Rishising, at Kota at Rajasthan with the ransom amount.
- (iv) Though Rishising may not have had any antecedents as noticed by the learned Coordinate Bench and whereas the applicant has one antecedent, yet considering the role attributed to the present applicant as compared to the role attributed to Rishising, the fact of applicant having antecedent may not be of any consequence.

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.11191024251148 of 2025 registered with Ramol Police Station, Ahmedabad, on executing a bond of Rs.50,000/- (Rupees Fifty 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.;

[f] mark presence once a month for a period of six months before the concerned police station.

[g] not to enter Ahmedabad City for a period of six month except for marking presence which would be as above.

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.

Bhoomi

(NIKHIL S. KARIEL,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: BHOOMI YOGESHBHAI MISTRY(HC01557), PRIVATE SECRETARY, at High Court of Gujarat on 07/03/2026 12:06:10