

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 9805 of 2026**

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SIMABEN W/O SIKANDARBHAI SALIMBHAI LODHA
Versus
STATE OF GUJARAT

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Appearance:

MR MOHSIN I SHAIKH(13048) for the Applicant(s) No. 1
MR.MINHAJ M SHAIKH(6847) for the Applicant(s) No. 1
MR TRUPESH KATHIRIYA, ADDL. PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

**Date : 28/04/2026
ORAL ORDER**

1. Heard learned advocate Mr.M.R.Savaliya for learned advocate Mr.Minhaj Shaikh appearing on behalf of the applicant and learned Additional Public Prosecutor Mr.Trupesh Kathiriya 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. 11209017251086/2025 registered with Himmatnagar Rural Police Station, Sabarkantha for the offence punishable under Sections 3(1)(ii), 3(2), 3(4), 3(5) of

the Gujarat Control of Terrorism and Organized Crime Act, 2015.

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. The allegation being that the accused had committed offence punishable under the GUJCTOC Act, 2015.
- ii. The allegation being that the accused had defrauded the prospective client who wanted visa of various countries for employment and had taken substantial amount from them.
- iii. The fact of the present applicant being wife of the main accused and this Court having enlarged the present applicant on regular bail in connection with all the six FIRs which are triggered FIRs for filing of FIR under the GUJCTOC Act.
- iv. The aspects having been considered by this Court in the said order i.e. order dated 28.01.2026 in Criminal Misc. Application No.1919/2026 and allied matters, being relevant for the present purpose, this Court reproduces the same hereinbelow:-

“[1] The allegation being that the accused having conspired, having defrauded persons who wanted visa for employment in another countries, and whereas the accused having taken substantial money from the complainant and other victims.

[2] The fact that while the applicant is a Director of the company in question, yet it

would not appear that the applicant had any role to play in the entire fraud.

[3] It also does not appear that the applicant had either met any of the victims or had in any manner induced or given any assurance to the victims in question.

[4] The fact of the applicant not having accepted any of the money in question.

[5] The fact of the applicant being a lady accused more particularly being the wife of the main accused more particularly without having any role to play in the offence in question.

[6] The fact of the applicant as per the statement made by learned Advocate Mr. Champavat being ready and willing to deposit an amount of Rs.75 Lakhs without any prejudice to her rights whereas Rs.25 Lakhs would be deposited as a precondition of her release and remaining Rs.50 lakhs would be deposited within a period of three months from the date of actual release. ”

v. Learned advocate Mr.Savaliya, under instruction, would submit that condition no.[6] above, may govern release of the present applicant in the present FIR also.

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. 11209017251086/2025 registered with Himmatnagar Rural Police Station, Sabarkantha, on executing a bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions mentioned in order dated 28.01.2026 in Criminal Misc. Application No.1919/2026 and allied matters, that is to say that the conditions mentioned in order dated 28.01.2026 will govern release of the present applicant in the present application also. Hence, the conditions of order dated 28.01.2026 are reproduced hereinbelow:-

“[a] deposit an amount of Rs.75 Lakhs with the learned trial Court as voluntary submitted by learned Advocate for the applicant. An amount of Rs.25 Lakhs to be deposited as a precondition for being released on regular bail.

[b] file an undertaking within a period of one week from the date of her actual release before the learned Trial Court to the effect that the applicant to deposit the remaining amount of Rs.50 Lakhs within a period of three months from the date of her actual release.

[c] Any default in paying the remaining amount within the time stipulated in the undertaking i.e three months would entitle the learned trial Court to take appropriate steps including for cancellation of present bail albeit after giving notice to the applicant.

[d] the amount of Rs. 75 Lakhs shall be invested in a Fixed Deposit Receipt, earning reasonable returns and whereas the learned trial Court shall decide as regards the apportionment/appropriation of the said amount as per the final decision of the trial.

[e] upon depositing the amount of Rs.25 Lakhs, the learned trial Court to issue process for release of the present applicant if she is not required in any other offence.

[f] not take undue advantage of liberty or misuse liberty;

[g] not act in a manner injurious to the interest of the prosecution;

[h] surrender passport, if any, to the lower court within a week;

[i] not leave the State of Gujarat without prior permission of the Sessions Court concerned;

[j] furnish the proposed 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 residential address without prior intimation to the I.O."

9. The Authorities will release the applicant only if she 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)