



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). OF 2026
(@SPECIAL LEAVE PETITION (CRL.) NO(S).3323/2026)

SAINABA

APPELLANT

VERSUS

STATE OF KERALA

RESPONDENT

O R D E R

Leave granted.

This appeal challenges the order dated 11.02.2026 passed by the High Court of Kerala at Ernakulam in Bail Application No. 14349 of 2025.

Apprehending arrest in connection with crime registered pursuant to FIR No. 972 of 2025 lodged with P.S. Kondotty, District Malappuram in respect of the offences punishable under Sections 336(2), 336(3), 337 340(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 ("BNS" for short), the appellant preferred an application before the High Court seeking anticipatory bail in terms of Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" for short).

The application for anticipatory bail having been rejected by the High Court *vide* impugned order

dated 11.02.2026, the instant appeal has been preferred.

By order dated 26.02.2026, this Court passed the following order:

“Issue notice to the respondent, returnable on 17.04.2026.

Learned counsel for the respondent accepts notice.

There shall be no coercive steps taken as against the petitioner herein vis-a-vis FIR No.972 of 2025 of Kondotty Police Station, Malappuram District, provided the petitioner cooperates with the investigation.”

We have heard learned counsel for the appellant in support of the appeal and learned counsel for the respondent-State and perused the material on record.

Learned counsel for the appellant submitted that the offences alleged against the appellant are false and frivolous; the appellant claims to be the owner and in possession of the land in question; the appellant is about sixty years old; that this court by order dated 26.02.2026 granted interim protection subject to the appellant cooperating with the investigation; the appellant has been cooperating with the investigation. Hence, this

Court may make the interim order absolute by allowing this appeal and setting aside the impugned order.

Per contra, learned counsel for the respondent-State submitted that the appellant has not appeared for the purpose of being interrogated. Therefore, there is no merit in this appeal.

In response to the said submission, the appellant's counsel submitted that there is no summoning of the appellant as of now and therefore, as and when the appellant is summoned by the investigating officer, she would definitely appear before the said officer.

Considering the circumstances on record, in our view, the appellant is entitled to the relief claimed under Section 482 of BNSS.

We, therefore, allow this appeal and set aside the order passed by the High Court dated 11.02.2026. We direct that in the event of arrest of the appellant, the Arresting Officer shall release the appellant on bail subject to furnishing cash security in the sum of Rs.25,000/- (Rupees Twenty-Five Thousand only) with two like sureties.

It is directed that the appellant shall extend complete cooperation in the ensuing investigation.

The appellant shall not misuse her liberty and shall not in any way influence the witnesses or tamper with the material on record.

With the aforesaid directions, the appeal is allowed.

....., J
(B.V. NAGARATHNA)

....., J
(UJJAL BHUYAN)

NEW DELHI;
APRIL 16, 2026.

ITEM NO.5

COURT NO.4

SECTION II-D

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

**PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S).
3323/2026**

**[ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED
11-02-2026 IN BA NO. 14349/2025 PASSED BY THE HIGH
COURT OF KERALA AT ERNAKULAM]**

SAINABA

PETITIONER(S)

VERSUS

STATE OF KERALA

RESPONDENT(S)

**IA No. 58627/2026 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT**

IA No. 58628/2026 - EXEMPTION FROM FILING O.T.

**Date : 16-04-2026 This matter was called on for hearing
today.**

**CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE UJJAL BHUYAN**

**For Petitioner(s) : Mr. Abdulla Naseeh V.t., AOR
Mr. Musthafa Atheeq, Adv.
Ms. Riya Nourin, Adv.
Ms. Rachel Sara James, Adv.**

**For Respondent(s) : Mr. Harshad V. Hameed, AOR
Mr. Dileep Poolakkot, Adv.
Mrs. Ashly Harshad, Adv.
Mr. Mahabir Singh, Adv.
Mr. Muhammed Siddick, Adv.
Dr. Arunender Thakur, Adv.**

**UPON hearing the counsel the Court made the following
O R D E R**

Leave granted.

Appeal is allowed in terms of the signed order, which is placed on file.

Pending application(s), if any, shall stand disposed of.

(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)

(DIVYA BABBAR)
COURT MASTER (NSH)