

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION NO. 1274 of 2022

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RUBINA @ RUBI ANWARHUSEN SUNNI (MUSLIM)
Versus
STATE OF GUJARAT

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Appearance:

MR AFTABHUSEN ANSARI(5320) for the Applicant(s) No. 1
MR RC KODEKAR APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE RAJENDRA M. SAREEN

Date : 28/02/2022

ORAL ORDER

[1] The present application is filed under Section 439 of the Code of Criminal Procedure by the applicant for regular bail in connection with an FIR being **C.R.No.11205032201064 of 2020** registered with **Mundra Police Station, District : Kutch (Bhuj-West)** for the offences under Sections 465, 467, 471, 114 of the Indian Penal Code, sections 3 and 6 of Passport Act and sections 13, 14A(a), 14A(b) of Foreigners Act.

[2] Learned advocate for the applicant submits that considering the nature of allegations, role attributed to the applicant, the applicant may be enlarged on regular bail by imposing suitable conditions.

[3] Learned Additional Public Prosecutor appearing on behalf of the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence.

[4] I have heard learned advocates appearing on behalf of the respective parties. Learned advocates appearing on behalf of the

respective parties do not invite reasoned order.

[5] This Court has also taken into consideration the law laid down by the Apex Court in the case of **Sanjay Chandra versus Central Bureau Investigation**, reported in **(2012) 1 SCC 40**.

[6] In the facts and circumstances of the case and considering the nature of allegations made against the applicant in the FIR, I am of the opinion that discretion is required to be exercised in favour of the applicant and enlarge the applicant on regular bail.

[7] This Court has considering the following aspects:

- (i) The applicant is in jail since 21.07.2020 with three children.
- (ii) Investigation is over and charge sheet is filed.
- (iii) No allegation of forgery of any document is made against the applicant.
- (iv) the applicant is local resident and would not flee away.

[8] In the result, the present application is allowed and the applicant is ordered to be released on regular bail in connection with an offence being **C.R.No.11205032201064 of 2020 registered with Mundra Police Station, District : Kutch (Bhuj-West)** on executing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with **LOCAL SURETY** of the like amount to the satisfaction of the learned Trial Court and subject to the conditions that the applicant 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 India without prior permission of the Sessions Judge concerned;
- [e] not leave Gujarat without the prior permission of the Sessions Judge concerned.
- [f] furnish latest and permanent address of residence as well as mobile number to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of this Court;

[9] The authorities shall adhere to its own Circular relating to COVID-19 and, thereafter, 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 Judge concerned will be free to issue warrant or take appropriate action in the matter. Bail bond to be executed before the lower Court having jurisdiction to try the case.

[10] Rule is made absolute to the aforesaid extent. **Registry to communicate this order to the concerned Jail Authority by Fax or Email forthwith.**

R.H. PARMAR

(RAJENDRA M. SAREEN,J)