

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 512 of 2026**=====
STEVAN BHANUBHAI MACWAN & ANR.**Versus****STATE OF GUJARAT**
=====**Appearance:****N D NANAVATY, SENIOR ADVOCATE with MR ADITYA A****ASTHAVADI(12915) for the Applicant(s) No. 1,2****DARSHAN M VARANDANI(7357) for the Respondent(s) No. 1****HARDIK DAVE, PUBLIC PROSECUTOR with HARDIK MEHTA, APP for the
Respondent(s) No. 1**
=====**CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL****Date : 06/03/2026****ORAL ORDER**

1. Heard learned Senior advocate Mr. N.D. Nanavaty with learned advocate Mr. Aditya Asthavadi appearing on behalf of the applicants and learned Public Prosecutor Mr. Hardik Dave with learned Additional Public Prosecutor Mr. Hardik Mehta appearing on behalf of the respondent-State and learned advocate Mr. Darshan Varandani appearing on behalf of the original complainant.

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

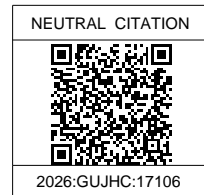


respondent-State.

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. 11204047250360 of 2025 registered with Nadiad West Police Station, Kheda for the offence punishable under Sections 4(1), 4(2) of Gujarat Freedom of Religion Act, 2003.

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.

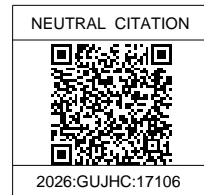
5. As against the same, learned Additional Public Prosecutor appearing for the respondent – State has vehemently objected to



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:-

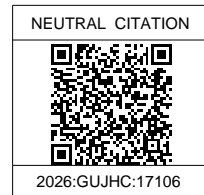
- i. The allegation in the FIR being serious in as much as the accused, are stated to have induced the complainant into joining a different religion than the one he processes.
- ii. The fact of there being no actual conversion having taken place and the allegation restricted to some inducement being handed out to the complainant.
- iii. The fact of the applicants being in custody since 05.10.2025 and 07.10.2025, respectively.
- iv. The charge-sheet having been filed and also considering the maximum punishment that could be imposed.



v. The fact that prima facie, the mandate of Section 6 does not appear to have been followed since the sanction of the District Magistrate for institution of the offence or prosecution, had been obtained only on 24.11.2025 as against the charge-sheet has been sent by the Investigating Officer to the learned Trial Court on 21.11.2025.

It would appear in this regard that the learned PP would draw the attention of this Court to a communication by the Investigating Officer dated 20.11.2025, seeking permission to institute the offence/for prosecution which sanction was granted vide order dated 24.11.2025, and whereas, learned PP would also submit that the learned Trial Court had filed the charge-sheet on 24.11.2025 i.e. to state that both the sanction and the charge-sheet were of the same date.

vi. Prima facie, it would appear to this Court, that Section 6 would be imposing a mandate against the Investigating Officer that he would not institute prosecution for an offence without the previous sanction of the District Magistrate and whereas, the said sanction does not impose any condition upon the Magistrate, more particularly, since the word used is 'no prosecution for an offence

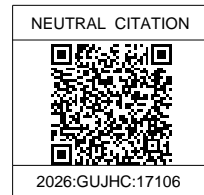


under this Act shall be instituted’ as against “no cognizance of an offence shall be taken” which appears in other similar Acts. The above observation being prima facie in nature, more particularly, since the vires of the act itself being under consideration before the Hon’ble Supreme Court.

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.11204047250360 of 2025 registered with Nadiad West Police Station, Kheda, 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 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;

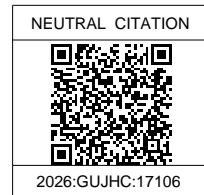
[d] not leave the State of Gujarat without prior permission of the Sessions Court concerned;

[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 once a month for a period of six months before the concerned police station.

9. It is clarified that the above observation is a prima facie observation, more particularly, since it is informed that the violence of the Act is subject matter of consideration before the Hon'ble Apex Court.

10. 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.

11. 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.

12. 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.

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

(NIKHIL S. KARIEL,J)

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