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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4678 OF 2025**

Aziz Mohd. Ismail Shaikh
V/s.
State of Maharashtra & Anr.

.... Applicant
...Respondents

Mr. Francis A. Caszo for the Applicant.
Ms. Anagha Deshmukh, APP for Respondent No.1 – State.
Ms. Vilasini Subramanian for Respondent No.2.
Mr. Prabhat Mankar, Oshiwara police station present.

CORAM: SHYAM C. CHANDAK, J.
DATED : 6th AUGUST, 2026

P.C. :-

1. Heard learned Counsel for the parties. Perused the record.
2. The Applicant seeks his release on bail in connection with C.R. No.345 of 2025, registered with Oshiwara police station, Mumbai for offence punishable under Sections 65(2), 75, 76 and 351 of the Bharatiya Nyaya Sanhita, 2023 (for short “B.N.S.”) and under Sections 4, 6, 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short “POCSO Act”), as the trial Court declined his prayer for bail.
3. Mr.Caszo, learned Counsel for the Applicant submitted that in the year 2023, the husband of the informant from the 1st Marriage was in jail. Therefore, the Applicant used to reside with the informant to help her. Thereafter, the two got married with each other on 31.10.2023. However, when the husband of the informant was released from jail, the informant and her husband wanted to get rid of the Applicant, and therefore, the informant

and her husband have falsely implicated the Applicant in this case. Therefore, the Applicant may be released on bail.

4. Ms.Deshmukh, learned APP for Respondent No.1-State and Ms.Subramanian, learned Counsel for Respondent No.2 submitted that there is a *prima facie* case against the Applicant of having committed the alleged offence. Therefore, bail be refused.

5. I have considered these submissions. Record shows that, the informant is mother of the 'victim girl' aged 11 years 7 months. The Applicant is step father of the victim. On 22.03.2025, at about 17.30 hours, the informant went to her job and returned at 4.00 hours of 23.03.2025. At about 9.00 hours, when the informant was about to leave for work, the victim was crying and she requested the informant that not to go for work. On enquiry, the victim told the informant that the Applicant subjected her to penetrative sexual assault.

6. The statements of the victim recorded that, to commit the offence, first, the Applicant showed the victim an obscene video on his mobile phone. He then disrobed her clothes and inappropriately touched her chest and genital. Further, he committed penetrative sexual assault inserting finger in her genital, with a specific physical object and also through mouth. The version of victim recorded before the police is corroborated by the history narrated by her to the Medical Officer. Thus, there is a strong *prima facie* case against the Applicant having committed a serious offence. There is nothing on record based on which it may be said that the Applicant has been falsely implicated in this crime.

7. In view thereof, the Application is liable to be rejected and is rejected, accordingly.

8. It is clarified that the observations made hereinabove are confined to determination of the question of bail and they may not be construed as an expression of opinion on the guilt or otherwise of the Applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

9. Bail Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)