



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 852 OF 2023

JILANI HAJI SHAIKH ..APPLICANT
VS.
STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Mr. Sunny Waskar a/w Mr. Dilip Gupta, Mr. Ashok Shukla, for the applicant.

Mr. N. B. Patil, APP for the State.

Mr. Gaurav K. Gupta i/b Mr. Hiralal K. Mourya, for Complainant.

Mr. Vishnupant Tidke-PSI, Meghwadi Police Station present.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 06, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under sections 354, 376, 376(2)(i), 506(ii) of the Indian Penal Code, 1860, under section 4, 6, 8, 12 of the Protection of Children from Sexual Offences Act, 2012, section 75 of Juvenile Justice Act registered on 10/07/2022 vide C.R. No.425 of 2022 with Meghwadi Police Station, Mumbai.

3. The statement of the victim is recorded on 10/07/2022. The incident took place sometime in June 2022. The victim is a minor. The victim is the step-daughter of the applicant. The victim at the time of alleged incident was a minor. It is alleged that the applicant committed an act which is the offence punishable under the aforesaid sections.

4. The applicant was arrested on 10/07/2022 and is now in custody for more than 14 months.

5. Learned counsel for the respondent no.2 submitted that the complaint was lodged as a result of misunderstanding. It is submitted that there was some dispute between the applicant and his wife i.e. mother of the victim. It is on account of such misunderstanding that the complaint came to be filed. Learned counsel for the respondent no.2 submitted that the complainant or the victim have no objection if the applicant is enlarged on bail. The victim and her mother are personally present, through their advocate submitted that they do not have any objection for enlargement of the applicant on bail.

6. Learned APP submitted that the offence alleged against the applicant is serious in nature. It is submitted that considering the age

of the applicant, if enlarged on bail, the applicant being the step father, possibility of the tampering cannot be ruled out and it is a question of safety of the victim.

7. The investigation is complete. The charge-sheet has been filed. The applicant is in custody for more than 14 months. Prolonging the custody of the applicant will only be a pre-trial punishment as the trial is likely to take a long time to conclude. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Jilani Haji Shaikh in connection with C.R. No.425 of 2022 registered with Meghwadi Police Station, Mumbai shall be released on bail on his furnishing PR. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with

the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant shall not in any manner pressurize the victim or her mother.

(g) Any attempt on the part of the applicant to pressurize influence or threaten the victim or her mother will be viewed seriously and which may include the consequence of cancellation of this bail.

8. The application is disposed of.

(M. S. KARNIK, J.)