

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

BAIL APPLICATION NO. 3907 OF 2021

Shamim Adil Ahmad @ Samim
Ahmed @ Salman Adil Ahmed ..Applicant
VS.
The State of Maharashtra and Anr. ..Respondents

Mr. Harideep Singh for the Applicant.

Mr. S. V. Gavand, APP for the State.

Ms. Druti Datar for the Respondent no. 2.

PSI – Dilip M. Rane, Aarey Police Station.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 16, 2023

P.C. :

- 1.** Heard learned counsel for the parties and learned APP for the State.
- 2.** This is an application for bail by the applicant- Shamim Adil Ahmad @ Samim Ahmed @ Salman Adil Ahmed, in connection with C.R. No.80 of 2019 dated 02/05/2019, registered with Aarey Police Station, under sections 376(3) of the Indian Penal Code, 1860 and sections 4, 6, and 8 of the Protection of Children from Sexual Offences Act, 2012.
- 3.** The age of the victim at the relevant time was 17 years and 10 months. The First Information Report (FIR)

was registered on 02/05/2019. From reading of the statement of the victim, it reveals that there was a love affair between the applicant and the victim. It is alleged by the victim that the applicant has forcible physical relations with her which continued for 4 months. The applicant at the relevant time was 23 years of age. There are no criminal antecedents reported against the applicant. After the victim became pregnant, the FIR was lodged. It is alleged that the applicant ran away after giving a false promise of marriage.

4. The investigation is complete and the charge-sheet has been filed. Taking an overall view of the matter, considering the applicant is in custody since 14/06/2019 for a period of more than 3 years and 8 months without any possibility of the trial concluding any time soon, the applicant can be released on bail. No criminal antecedents are reported against the applicant. Hence, the following order.

ORDER

(a) Applicant- Shamim Adil Ahmad @ Samim Ahmed @ Salman Adil Ahmed, in connection with C.R. No.80 of 2019, registered with Aarey Police Station, shall be released on bail, on his furnishing P.R. Bond of Rs.25,000/- with one or

more sureties in the like amount;

(b) The applicant is permitted to furnish temporary cash bail surety in the sum of Rs.25,000/- for a period of 6 weeks in lieu of surety;

(c) The applicant shall not enter the vicinity where the applicant is residing;

(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) The applicant shall attend the trial regularly;

(f) 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.

5. I express my gratitude for the able assistance rendered by the advocate – Ms. Druti Datar representing the Respondent no. 2 / complainant in these proceedings.

(M. S. KARNIK, J.)