

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

CRIMINAL BAIL APPLICATION NO. 2737 OF 2025

Sabaya Irfan Shaikh

.... Applicant

Versus

The State of Maharashtra and Anr.

.... Respondents

Mr. Akash Kavale h/f Abdul Quadir a/w Mr. Manish M. Babre, Adv. Shivrtna Wagh, Adv. Mohim Pathan, Adv. O.A. Fadtare and Mr. Vaibhav Bonge, Advocate for the Applicant.

Mr. S. S. Chaudhari, A.P.P., for the Respondent – State.

Mr. Siddharth Jagushte (Though VC), Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th SEPTEMBER, 2025.

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P.C. :

1. The Applicant is seeking regular bail in connection with C.R. No.113 of 2025 registered with Karad City Police Station, District Satara, for the offences punishable under Sections 64(2)(f), 64(2)(m), 65(2), 74, 75(1) of the Bharatiya Nyaya Sanhita, 2023 (for short, “BNS Act”) and Sections 4, 6, 8, 10, 12, 17 and 21 of the Protection of Children from Sexual Offence Act, 2012 (for short, “POCSO Act”).

2. It is prosecution’s case that the victim is daughter of the Applicant. The Accused No.1 is father of the victim. He has sexually assaulted the victim on several occasions. At the time of incident victim

was 7 years and 7 months old. Victim narrated the incident to grandmother, and thereafter the complaint was lodged against the Accused No.1 and present Applicant. The allegations against the present Applicant are that after the first incident of sexual assault on victim, she told the Applicant about the incident, but the Applicant threatened the victim due to which, the victim could not tell anyone about the act done by the Accused No.1 and was under tremendous threat.

3. It is contention of learned counsel for the Applicant that the Applicant is behind bars for more than nine months. Investigation is completed and charge-sheet has been filed. Considering allegations against the Applicant, her further detention is not required. She is a lady. Hence, requested to allow the application.

4. It is contention of learned APP that after the first sexual assault, the victim had informed the Applicant about the act done by Accused No.1, but she did not take action against him. Thereafter, the Accused No.1 repeated the same act. The Accused No.1 used to give burning sensation to the skin of the victim with candle. The victim is the daughter of the Applicant. If the Applicant is released on bail, she may threaten the victim and prosecution witnesses, and requested to reject the application.

5. Learned counsel for the Respondent No.2 submits that the first informant has no objection to allow the bail application.
6. I have heard all learned counsel, perused F.I.R. and documents produced on record.
7. The allegations against the Applicant are that she has not taken action against the Accused No.1 in spite of narration of the incident by the victim. The Applicant is behind bars for more than nine months. Investigation is completed and charge-sheet has been filed. There is no progress in the trial. Considering these facts, I pass following the order:

ORDER

- i The Application is allowed.
- ii. The Applicant be released on bail in connection with C.R. No.113 of 2025 registered with Karad City Police Station, District Satara, on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- iii. The Applicant shall mark her attendance with the concerned police station as and when required.
- iv The Applicant shall remain present before the trial Court on each date unless exempted by the trial Court.

- v. The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witness or any person concerned with the case.
 - vi. The Trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.
 - vii. The Applicant shall inform her latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
7. The application is allowed in the aforesaid terms and is accordingly disposed off.
8. All the concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)