

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

BAIL APPLICATION NO. 5220 OF 2024

Aman Sadik Shaikh	...Applicant
Versus	
The State of Maharashtra & Anr.	...Respondents

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Mr. Ujwal Agandsurve, Advocate for the Applicant.

Mr. C. D. Mali, A.P.P. for the Respondent No.1 – State.

Mr. Mohammad S. Mulla, Advocate for the Respondent No.2.

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CORAM	:	N. R. BORKAR, J.
DATE	:	10th MARCH, 2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.619 of 2024 registered at MIDC Police Station, Solapur City, District : Solapur for the offences punishable under Sections 376 (2)(j), 376 (2)(n), 376 (3), 323, 504, 506 and read with Section 34 of the Indian Penal Code, Sections 4, 8 and 12 of the Protection of Children from Sexual offences Act and Sections 9, 10 and 11 of the Child Marriage Restraint Act.
3. The allegations against the present applicant and

other co-accused are that though they were aware that the victim is a minor, they made the victim to marry to the present applicant by threatening her parents. It is alleged that after marriage though the victim was below 15 years of age, the present applicant subjected her to sexual intercourse.

4. I have heard the learned counsel for the applicant, learned A.P.P. for the Respondent No.1-State and the learned counsel for the Respondent No.2/Victim.

5. The learned counsel for the applicant submits that there is delay in lodging the F.I.R.. It is submitted that approximately for three years no complaint was lodged in relation to the alleged threat. It is submitted that the applicant is in jail for about five months and further detention is not warranted.

6. On the other hand, the learned A.P.P. for the Respondent-State and learned counsel for the Respondent No.2/Victim submit that in the FIR there is an explanation in relation to alleged delay. It is submitted that considering the nature of offence the applicant may not be released on bail.

7. I have perused the FIR. *Prima-facie* there appears to be delay in lodging the FIR as the same is lodged after three years. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail.

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No.619 of 2024 registered at MIDC Police Station, Solapur City, District : Solapur for the offences punishable under Sections 376 (2)(j), 376 (2)(n), 376 (3), 323, 504, 506 and read with Section 34 of the Indian Penal Code, Sections 4, 8 and 12 of the Protection of Children from Sexual offences Act and Sections 9, 10 and 11 of the Child Marriage Restraint Act on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not enter into the corporation limits of Solapur City till conclusion of trial except to attend the dates before the Trial Court;
- (iv) Application stands disposed of accordingly.

(N. R. BORKAR, J.)