

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 238 OF 2024

Nooralam (Shabbir) Najir Shah ...Applicant
V/s.
State of Maharashtra & Anr. ...Respondents.

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Ms Sana Shaikh a/w. Ms Nisha Lakariya, Ms Maya Updesh, ms Sunanda Shinde and Mr. Vipul Ghate for the Applicant.
Mr. V.B. Kulkarni, APP for the Respondent/State.
Ms Kavita S. Anchan, Appointed Advocate for the Respondent No.2.
API Rajiv Lole, NRI Coastal Police station present.

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CORAM : N.R. BORKAR, J.
DATE : 20.02.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.79 of 2022 registered at N.R.I. Sagari Police Station for the offences punishable under Sections 376(2)(j)(l) of the Indian Penal Code and Sections 3,4,6 and 8 of the Protection of Children from Sexual Offences Act, 2012.
3. According to the prosecution, the applicant was working in Saloon Shop, which was located in Emerald Building at Ulve. The victim was working in one of the residential flats in the said building. It is alleged that in January 2022, the applicant had called her to his shop and told her that he likes her. It appears that

thereafter they started talking with each other on phone. It is alleged that one day he called her to his shop and committed forcible sexual intercourse with her.

4. I have heard the learned counsel for the applicant, the learned APP for the respondent – State and the learned appointed advocate for the respondent No.2/victim.

5. I have perused the statement of the victim. According to her statement, during the relevant time she was aged about 17 years 8 months. *Prima facie*, the alleged act appears to be consensual. The applicant is in jail for two years and 10 months and the trial has not commenced. In that view of the matter, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No.79 of 2022 registered at N.R.I. Sagari Police Station for the offences punishable under Sections 376(2)(j) (I) of the Indian Penal Code and Sections 3,4,6 and 8 of the Protection of Children from Sexual Offences Act, 2012 on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month ,i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

D] The applicant shall not contact with the victim or tamper with the prosecution evidence.

[N.R.BORKAR, J.]