

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2546 OF 2024**

Mohd. Danish so Hanif @ Danish Malik Hanif ...**Applicant**
Malik

Versus

State of Maharashtra and another ...**Respondent**

Mr. B.J. Shaikh, *for the Applicant.*

Ms. Anuja Sunil Gotad, *for the Respondent No. 1.*

Ms. Aneesa Cheema, *for Respondent No. 2.*

PSI-Sanjay S. Ghag, *Pairavi Adhikari, attached to Malawani
Police Station, present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 12TH DECEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No 998 of 2020 dated 12th July, 2020 registered with the Malwani Police Station, Mumbai, for the offences punishable under Sections 376(2)(n), 376(3), 377, 323, 504, 506(2) of the Indian Penal Code, 1860 (for short 'IPC').

2. The facts of the case narrated by the mother of the victim to the police are that on 12th July, 2020 at around 01.30 p.m., the Applicant who is a rickshaw driver lured her daughter who is only 12 years of age to his house while she was going to the public toilet.

3. It is her case that the Applicant sexually assaulted her minor daughter after taking her to his house. Accordingly, he has sexually assaulted the minor daughter on three to four occasions and the daughter did not complaint initially under the threat of her life and that of a mother.

4. The FIR was registered and the Applicant was arrested on 13th July, 2020. By order dated 03rd November, 2025, this Court has directed the Trial Court to record the deposition of the victim within four weeks from the date of that order. Accordingly, the Trial Court has recorded the statement of the victim in the course of the trial.

5. Ms. Anuja S. Gotad, learned APP states that the prosecution intends to examine At least eight to nine witnesses. The Applicant is in custody since 2020 and the trial is not likely to conclude in the near future.

6. Considering the long incarceration as well as the fact that the deposition of the victim is now recorded before the Trial Court, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under.

ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.35,000/ with one or two local sureties in the like amount;

ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m.;

iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court

seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

7. Application is allowed in the above terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. I acknowledge and appreciate the assistance given by Ms. Aneesa Cheema, learned Advocate in the present matter who is appointed to represent the Respondent No. 2 and espouse her cause before me.

(DR. NEELA GOKHALE, J)