

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

CRIMINAL BAIL APPLICATION NO. 3704 OF 2024

Yunus Akbar Shaikh

...Applicant

VERSUS

The State of Maharashtra and Anr.

...Respondents

....

Mr. Aniket Vagal a/w Ms. Savvy Kolhekar, Advocate for the Applicant.

Mr. V. A. Kulkarni, A.P.P. for the Respondent – State.

Mr. Abhang Suryawanshi i/b Mr. Narayan Rokade for Respondent No.2.

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CORAM : N. R. BORKAR, J.

DATE : 07.02.2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 23 of 2023 registered at Lasalgaon Police Station, Dist:Nashik, for the offences punishable under Sections 376, 354, 506 of the Indian Penal Code, 1860 and under Sections 4 and 12 of The Protection of Children From Sexual Offences Act, 2012.
3. The victim on the date of the incident was aged about 13 years and 5 months and was residing in the neighbourhood of the applicant. The daughter of the applicant was the friend of the victim. They used to visit each others house. It is alleged that on the date of the

incident which took place on 24.11.2022, at about 1:00 pm the victim came to the house of the applicant. At that time her grandmother and her younger sister were there at the house of the applicant. It is alleged that at about 4:00 pm she left the house of the applicant to come to her house. It is alleged that at that time present applicant accompanied her. It is alleged that, when the victim went towards the kitchen of her house the applicant followed her. It is alleged that he, then made her to lie down on the floor and committed forcible sexual intercourse with her.

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

5. The learned counsel for the applicant submits that there is a delay in lodging the first information report. It is submitted that there is no corroborative evidence. It is submitted that in absence of corroborative evidence the applicant needs to be released on bail.

6. The learned counsel for the applicant in support of his submissions has relied upon the decisions of various High Court in ***Hanamant S/o Sangappa Pujari Vs. The State of Karnataka¹, P. Patham Kumar Nayak Vs. State represented by Inspector of Police, Chennai-1² and Ajeet Singh Porte S/o Late Mansingh Porte Vs. State of Chhattisgarh³***.

1 Criminal Petition No. 201069 of 2015 decided on 13.1.2016

2 Criminal A.No.433 of 2018 decided on 26.09.2023

3 CRA NO.1467 of 2021 decided on 16.1.2025

6. The learned counsel for the applicant further submits that the applicant is in jail for more than two years and the trial has not commenced.

7. On the other hand, the learned APP for the State submits that in the cases like this there is no need of corroborative evidence. It is further submitted that at the time of alleged incident, the victim was aged about 13 years and 5 months old. It is submitted that considering the nature of offence, the applicant may not be released on bail.

8. It appears that on the date of incident, the victim was aged about 13 years and 5 months. *Prima-facie* there is nothing to infer false implication. Considering the nature of offence, I am not inclined to release the applicant on bail. The Application is rejected.

(N. R. BORKAR, J.)