

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4822 OF 2024

Imran Baksh Mulla ...Applicant
V/s.
State of Maharashtra & Anr. ...Respondents.

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Mr. Himanshu Pujari for the Applicant.
Mr. Swapnil Walve, APP for the Respondent/State.
Ms Deepali Bagla, Appointed Advocate for the Respondent No.2.

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CORAM : N.R. BORKAR, J.
DATE : 23.04.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.48 of 2024 registered at Ichalkaranji Police Station, Kolhapur for the offences punishable under Section 506 of the Indian Penal Code (IPC) and Section 12 of the Protection of Children from Sexual Offence Act (POCSO Act).
3. The present applicant is the accused No.2 in the aforesaid crime. The victims are the sons of the accused No.1 Santoshi Talap. Accused No.1 got acquainted with the applicant at Fitness Fast Gym where the applicant was working as a gym trainer. Thereafter, accused No.1 introduced the applicant to her father and husband as her friend and gym trainer.

4. On 29.05.2023, accused No.1's husband passed away due to some illness. Thereafter, the relation between the applicant accused No.1 developed into a love affair and the applicant frequently visited the house of the accused No.1. The accused No.1 introduced the applicant to her sons (victims) and told them that she was going to marry him. She forced the victims to call the applicant their father. She further decided to rename her younger son as Abdul and elder son as Imran, as well as began conversing in Hindi at home and told her sons to do the same.

5. It is alleged that the victims told the informant who is the brother of accused No.1, that the applicant and accused No.1 disrobed themselves and indulged in obscene activities in front of them. The informant was shocked and therefore, on 2.2.2024 he went to meet the victims at Ichalkarnji, where he was informed about the entire incident. Thereafter, the informant repeatedly tried to convince the accused No.1 against committing the said activities but to no avail. Instead, accused No.1 threatened the informant that she will either kill herself and put the blame on the informant, if he tried to interfere in her life.

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

7. Learned counsel for the applicant submits that with ulterior motive, the applicant has been implicated in false case. It is submitted that the applicant is in jail for 13 months and the

maximum punishment for the alleged offences is 3 years.

8. On the other hand, learned APP for the respondent/State and the learned appointed advocate for respondent No.2 submit that considering the nature of crime, the applicant may not be released on bail.

9. The applicant is in jail for 13 months and the trial has not commenced. There are no other criminal antecedents. Considering the said facts, 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. 48 of 2024 registered at Ichalkaranji Police Station, Kolhapur for the offences punishable under Section 506 of the Indian Penal Code (IPC) and Section 12 of the Protection of Children from Sexual Offence Act 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.

[N.R.BORKAR, J.]