

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 174 OF 2025**

Sahil Jumman Ali Khan	...Applicant
<i>Versus</i>	
The State of Maharashtra and Another	...Respondents

Mr. Rupesh Bobade, *for the Applicant.*
Ms. Anamika Malhotra, *for the Respondent No. 1-State.*
Ms. Mallika Sharma, *for the Respondent No. 2.*
PSI-Sanjay S. Ghag, *Pairavi Adhikari, attached to Malavani
Police Station, present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 15TH DECEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No. 216 of 2023 dated 14th February, 2023 registered with the Malvani Police Station, Mumbai for the offences punishable under Sections 363, 366(A), 368, 376, 376(2)(n) of the Indian Penal Code, 1860 (for short 'IPC') and Sections 4 and 5(1), 6 and 12 of

the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO').

2. The First Informant is the mother of the victim. The victim is aged about 17 years and 8 months. Initially, the FIR was registered in respect of the missing daughter, however, thereafter, it transpired that the daughter of the First Informant had accompanied the Applicant pursuant to the relationship between them.

3. The facts of the case, as discerned from the FIR, are that the Applicant was acquainted with the victim since July 2023. There was an intimate relationship between the parties. The Applicant pretended to be working with the film actor Salman Khan and portrayed that he was residing in the same building as that of the said actor. He professed his love and affection for the victim and took her to various places and had sexual relations with her. Being enamored by the wooing of the Applicant, the said victim girl fled with the Applicant on the intervening night of 14th February, 2023 taking along with her

clothes, her Aadhaar card and an amount of Rs. 1,00,000/- which belonged to her father.

4. According to the victim girl, she was kept in the house of Applicant's sister in Uttar Pradesh. According to her, initially, she was impressed by his representations that (i) he was very affluent and (ii) he was working with film actor Salman Khan and hence, she had agreed to go away with him. Thereafter, she learned that the Applicant had misrepresented to her. The Applicant did not work with the said actor, neither was he affluent. She resided in Uttar Pradesh in his sister's house. According to her, he and his sister ill treated her; he refused to marry her; he took away her money and left her in his sister's house while he himself came to Mumbai and continued his work. She stated that she did not have any money and was unable to return to her home. She waited for her parents to look for her. Thus, the FIR was registered and the Applicant was arrested.

5. The Applicant filed a bail application before the Special Court (POCSO), Borivali Division, Dindoshi, Mumbai, however, by order dated 13th February 2024, his bail application was rejected. Hence, he has filed the present Bail Application, before this Court, seeking the reliefs as prayed.

6. Mr. Rupesh Bobde, learned Counsel appearing for the Applicant submits that the Applicant has not committed any crime as alleged against him. The relationship between him and the victim girl was completely consensual and she went away with him on her own. He submits that the victim was 17 years and 8 months old and was able to understand the ramifications of her actions. She, according to him, has given the said statement only at the behest of her parents as her parents did not wish her to continue her relationship with the Applicant. He submits that the Applicant is in custody from 22nd March 2023 and till date, the trial has not commenced save and except, for framing of charges, which also was done

on 03rd September 2025. He thus, prays that the Bail Application be allowed and the Applicant be enlarged on bail.

7. Ms. Anamika Malhotra, learned APP, resisting the Bail Application states that although in the investigation it transpired that the victim herself had gone away with the Applicant, the victim was a minor and the offence being under the POCSO Act, is grave and serious. She thus, prays that the Bail Application be rejected.

8. Ms. Mallika Sharma, learned Advocate appointed to represent the Respondent No. 2 contests the Bail Application. She submits that the relationship was not consensual and the Applicant has misrepresented to her that he was affluent and was working with Salman Khan. She also submits that when she learned of the deception, the Applicant ill treated her, did not allow her to leave his sister's house in Uttar Pradesh while he himself came to Mumbai. So also, the victim was not given any money, hence, she was unable to return to Mumbai to her parents. She submits that the victim girl was a minor and

aged about 17 years and 8 months. Hence, the Applicant's Bail Application be rejected.

9. I have heard learned Counsel for the respective parties and perused the material on record with their assistance.

10. There is a the statement of a witness, who is the auto-rickshaw driver, stating that the victim girl on the intervening night of 14th February, 2023 boarded his rickshaw and directed him to take her to Bandra Station. She also used his mobile phone to communicate with the Applicant and after much discussion, the Applicant came to pick her up in a taxi. The Applicant even paid the rickshaw fare and the girl happily went with him.

11. Undoubtedly, the victim girl is a minor aged about 17 years and 8 months. It appears from the investigation and the statement of witnesses that the relationship between the parties was consensual and only because of the parents

intervention, the marriage between the parties could not take place. In any event, the Applicant has suffered incarceration for two and half years and the trial has not yet commenced.

12. Considering the totality of the circumstances, 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.50,000/ with one or two local sureties in the like amount;

ii) The Applicant will not enter the area in which the victim and her family is residing, i.e. Malvani, except for the purpose of attending the Police Station and the Trial Court.

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

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

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

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

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

viii) 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;

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

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

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

14. 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.

(DR. NEELA GOKHALE, J)