

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.462 OF 2025

Abdul Ahmed Maqbul Shaikh

.. Applicant

Versus

State of Maharashtra

.. Respondent

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- Mr. Anil Bansode, Advocate for Applicant.
- Mr. Sukanta A. Karmakar, APP for Respondent No.1.
- Ms. Lochan Chandka, Advocate for Respondent No.2.
- PSI – Nitin Palande, Trombay Police Station.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 01, 2025

P.C.:

1. Heard Mr. Bansode, learned Advocate for Applicant; Mr. Karmakar, learned APP for Respondent No.1 and Ms. Chandka, learned Advocate for Respondent No.2.

2. Ms. Chandka, learned Advocate appears for the prosecutrix - victim. Case of prosecution is based upon complaint by the first informant on behalf of prosecutrix - victim who is the daughter of the Applicant. The prosecutrix daughter is 15 and half years old. The case of prosecution which is *prima facie* seen from the statement of victim which she has narrated during her medico-legal examination is that because she had left her house she met the co-accused person namely Accused No.1 called Sandip Shinde on the road and he had taken her alongwith him for one night and molested her and she wanted to infact

file a case against him but when she was taken to police station by the said First Informant - mother, the police recorded a complaint against her own father. As far as the controversy with respect to her father is concerned, it is the case of prosecutrix as seen from her statement that she was fed up because of her father's behaviour in the house and she has not alleged anything more than that.

3. Mr. Bansode has placed before me the evidence recorded in the present case which is recorded in camera by the learned Trial Court. He would submit that Accused No.1 has been enlarged on bail despite there being a specific statement of the prosecutrix - victim that he had taken her alongwith with him for one night. He would persuade me to consider the fact that First Informant has been declared hostile by the Trial Court and has placed her deposition which is recorded on 10.02.2025 before the Court. The same is taken on record.

4. Learned APP is handed over a copy of the same. Learned APP is shall examine the veracity of statement delineated above and accordingly apprise the court on the next adjourned date. Considering the incarceration of Applicant since 18.01.2021, this Application shall be taken up for hearing which shall be noted by prosecution.

5. Stand over to **03rd April, 2025.** To be placed on the
‘Supplementary Board’.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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