

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO. 1527 of 2025**

Ejaj @ Samir Ibrahim Shaikh ...Applicant  
Versus  
State of Maharashtra \_\_\_\_\_ ...Respondent

**Mr. K. M. Tripathi**, *for the Applicant.*  
**Mr. Yogesh Y. Dabke**, *APP for the State-Respondent No.1.*  
**Mr. Pratik Karande**, *for Respondent No.2 (appointed by Court)*  
**PSI – Milind Chavhan**, *Kurar Police Station, is present.*

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**CORAM    Dr. Neela Gokhale, J.**  
**DATED:    14<sup>th</sup> October 2025**

**PC:-**

**1.** The Applicant seeks his release on bail in connection with C.R. No. 766 of 2024 dated 7<sup>th</sup> October 2024 with the Kurar Police Station, Brihanmumbai City for the offences punishable under Sections 143 (2), 64(2)(d) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

**2.** The facts of the case, in brief, are that on 2<sup>nd</sup> June 2024, a friend of the victim's mother offered to give employment to victim and took her away to Titwala. She was introduced to

one Sonal Waghmare, who took her to her own house. There, she was introduced to Sonal's husband and her three children. She stayed there for the night. Thereafter, on the next day i.e. on 3<sup>rd</sup> June 2024, Sunita and Sonal took the victim to a hotel outside the railway station. They introduced her to the Applicant namely Samir. Samir took her on his motor cycle to Karjat, where both of them checked into a hotel. There she was given a spiked cold drink. She fell unconscious and when she woke up, she realized that she was in a nude state. She wore her clothes and complained to the Applicant that she was sexually exploited. Instead of addressing her grievance, the Applicant showed her some photographs of herself in disrobed condition and threatened her that, if she refused to act according to his dictates, he will make the photographs viral. Hence, the complainant alleged that she was sexually exploited by several men under the threat of distributing her objectionable photographs. She thus, has made the present complaint pursuant to which the FIR was registered.

**3.** The Applicant made an application before the Trial Court. However, by order dated 15<sup>th</sup> March 2025, his bail application was rejected. Hence, the Applicant has approached this Court for the relief as prayed.

**4.** Mr. K. M. Tripathi, learned Counsel for the Applicant, at the very outset, has drawn my attention to the bail orders of the six co-accused. All of them are granted bail by the Additional Sessions Judge, Dindoshi, Mumbai. He submits that the Applicant is incarcerated since 14<sup>th</sup> November 2024 and till date, charges are not framed. He submits that on the principle of parity, the present Applicant also be enlarged on bail.

**5.** Mr. Yogesh Dabke, learned APP, resists the bail application. He submits that charges are likely to be framed soon and the trial will conclude in the foreseeable future. He further submits that the medical report of the Applicant points to sexual exploitation. He also tenders the statement recorded of the Applicant under Section 164 of the CrPC. He submits

that the statement of the complainant under Section 164 of the CrPC is consistent with her original statement. He thus submits that the application be rejected.

**6.** Mr. Pratik Karande, learned Counsel appointed to represent Respondent No.2 by this Court, stoutly resists the bail application. He submits that there are five incidents of sexual exploitation by the present Applicant and hence, there is no parity between the co-accused and the present Applicant. He also supports the arguments of Mr. Dabke. He further submits that the complainant has given further statement naming the present Applicant as a person who himself sexually exploited her on more than one occasion as well as physically assaulted her. He submits that this Applicant is the person who has recorded and filmed the complainant in an objectionable condition and has threatened her. In these circumstances, he also resists the bail application.

**7.** I have heard learned Counsel appearing for the respective parties and perused the record with their assistance.

**8.** Admittedly, six co-accused have been granted bail. The common thread running in the role of all the accused is that all of them have allegedly, exploited the complainant. The only point of distinction is the number of occasions on which this particular Applicant assaulted the complainant. Much significance is drawn by Mr. Karande about the video recording on the basis of which the complainant was threatened by the present Applicant. However, there is no material on record to indicate that there exists such video recording on the Applicant's phone. Mr. Dabke, on inquiry made by this Court, submits, on instructions, that no mobile phone is recovered from the Applicant or any co-accused. Admittedly the Applicant is in custody from 14<sup>th</sup> November 2024 and till date, charges are not yet framed. The trial is not likely to conclude in the foreseeable future. The Applicant

does not have any antecedents. In these circumstances, I am inclined to grant bail to the present Applicant and it is 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 shall attend the concerned police station once in a month between 11:00 a.m. to 12:00 p.m till the statement of the victim is recorded;
- iii) The Applicant shall attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court.
- iv) Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;

v) The Applicant shall not leave India, without 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 mobile 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 concerned Police Station;

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

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

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

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

(Dr. Neela Gokhale, J)