

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4763 OF 2025**

Abulais Majeed Shaikh

...Applicant

Versus

State of Maharashtra And Anr.

...Respondents

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Ms. Afreen Shaikh a/w *Adv. Nikhat Shaikh, for the Applicant.*
Ms. Manisha R. Tidke, *APP, for the Respondent.*
Ms. Noorsaba Shaikh, for the Intervenor.
PI. Jadhav a/w P.S.I. Sawant, Sewri Police Station, are present.

CORAM DR. NEELA GOKHALE, J.
DATED: 23rd DECEMBER 2025

PC:-

1. The Applicant seeks his release on bail, in connection with C.R. No. 326 of 2025 dated 24th July 2025, registered with Shivdi Police Station, Mumbai, for the offence punishable under Sections 115(2), 351(2), 64(2)(f), 75(1) of the Bharatiya Nyaya Sanhita, 2023 (for short, “BNS”), and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, “POCSO”). The victim was 16 years old at the time of the incident.

2. The facts of the case as discerned from the FIR, reveal a shocking story. The Applicant is the father of the victim. As per the allegations made by the first informant in the FIR, the father has sexually exploited the victim for a very long time when she was residing with her parents at home. After a few days, her parents went to their native place, and during that period even her sister's husband has allegedly sexually exploited her. The child is very frightened.

3. While the matter was being heard, upon an inquiry made by the Court as to whether the allegations are made under pressure from the complainant's boyfriend, and on his directions initially the victim, who was present in the Court, stated that she had had a quarrel with her sister and being angry with her sister, had filed the said FIR. I, therefore, requested Ms. Manisha Tidke and Ms. Anamika Malhotra, both the learned APPs, to interact with the minor child and try to ascertain the real facts. In fact the victim's mother has also engaged Ms. Noorsabha Shaikh to represent her. Ms. Shaikh,

however, informed the Court that the victim and her mother wanted the Court to enlarge the Applicant on bail as it is a false case. However, when both the learned APPs interacted with the victim, it was revealed that it is her parents, who are in fact pressuring her to withdraw the case.

4. Be that as it may, at this stage I am not inclined to enlarge the Applicant on bail. However, I deem it appropriate to keep the Bail Application pending before this Court till such time as the statement of the victim is recorded before the Trial Court. The Trial Court is requested to frame the charges and record the statement of the victim within a period of three months from today.

5. Stand over to **30th March 2026**.

(DR. NEELA GOKHALE, J)