

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1853 OF 2025

Muskan Abdul Rehman Shaikh ...Applicant
V/s.
The State of Maharashtra & Anr. ...Respondents.

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Mr. Abdul Wahab Shaikh a/w. Mr. Aditya R. Parmar and Adv. Mushtaq Shaikh for the Applicant.
Mr. Shahaji R. Shinde, B-Panel Counsel for the Respondent/State
Mr. Mohd. Zueb A.R. Qureshi for the Respondent No.2/first informant.
PSI Anil N. Mane, Shil Daighar Police Station present.

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CORAM : N.R. BORKAR, J.
DATE : 09.10.2025.

P.C. :

1. This is an application for anticipatory bail.
2. The applicant is apprehending her arrest in Crime No.288 of 2025 registered at Shil Daighar Police Station, Thane for the offences punishable under Sections 115(2), 3(5), 336(2), 336(3), 351(2), 352, 64 and 69 of the Bharatiya Nayaya Sanhita, 2023 and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
3. The applicant is original accused No.3 in the aforesaid crime. The victim aged 17 years old and accused No.1 were in a love relationship. The applicant is the sister of accused No.1. It is the case of the prosecution that from the date 21.09.2024 to

25.09.2024, accused No.1 took the victim to the house of the present applicant and committed forcible sexual intercourse with her multiple times. Due to which, the victim got pregnant. Subsequently, the accused No.1 in connivance with the other co-accused prepared a forged Aadhar Card, Marriage Certificate and Marriage photographs of the victim and accused No.1, for the purpose of terminating the victim's pregnancy. The allegations against the present applicant are of transferring certain amount into the bank account of other co-accused for the purpose of termination of the victim's pregnancy

4. I have heard the learned counsel appearing for the applicant, the learned APP for the respondent / State and the learned counsel for respondent No.2/victim.

5. Learned counsel for the applicant submits that during the relevant time, the applicant was not in India. It is submitted that nothing is to be recovered at the instance of the present applicant and therefore, there is no need of custodial interrogation. Learned counsel for the applicant submits that the prosecution has already filed the charge-sheet against the co-accused.

6. On the other hand, learned APP for the respondent/State submits that the accused No.1 committed forcible sexual intercourse with the minor victim in the house of the present applicant. It is submitted that on 5th March 2025, the present applicant threatened the victim of dire consequences, if she disclosed about the incident to anyone. It is submitted that

considering the nature of crime, the applicant may not be released on anticipatory bail.

7. Learned counsel for respondent No.2/victim submits that the victim has no objection if the present applicant is released on anticipatory bail.

8. I have perused the statement of victim. It appears that the victim and accused No.1 were in a love relationship. It further appears that during the relevant period, the applicant was not in India. Considering these facts and circumstances, I am inclined to release the applicant on anticipatory bail. In the result the following order is passed.

ORDER

A) The Application is allowed.

B) In the event of arrest of the applicant in C.R. No. 288 of 2025 registered at Shil Daighar Police Station, Thane for the offences punishable under Sections 115(2), 3(5), 336(2), 336(3), 351(2), 352, 64 and 69 of the Bharatiya Nayaya Sanhita, 2023 and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, she be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one surety or two sureties in the like amount.

[N.R.BORKAR, J.]