

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3135 OF 2025

Shahrukh @ Ashraf Ahmed Jamil Ahmed (as per order)
Shahrukh @ Jamil Ahmed Shaikh ...Applicant

V/s.

The State of Maharashtra & Anr. ...Respondents.

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Mr. Shambhu M. Jha a/w. Mr. Arvind Yadav, Mr. Ashish Pathak i/by
Mr. Navkar Jain for the Applicant.

Mr. P.H. Gaikwad, APP for the Respondent/State.

Mr. Afsar Ansari for Respondent No.2.

PI Swapnil Ghongade, Kandivali police station is present.

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CORAM : N.R. BORKAR, J.
DATE : 21.11.2025.

P.C. :

1. This is an application for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.770 of 2025 registered at Kandivali Police Station for the offences punishable under Sections 64 and 87 of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 8 and 12 of the Protection of Children from Sexual Offence Act (POCSO Act).
3. The applicant and the victim were in a love relationship. It is alleged that in April 2025, the applicant took her to his friend's house at Borivali and there subjected her to sexual intercourse on the pretext that he would marry her.
4. I have heard the learned counsel for the applicant, the learned APP for the respondent/State and learned counsel for respondent No.2/victim.

5. Learned counsel for the applicant and the learned counsel for respondent No.2/victim jointly submit that the applicant and victim decided to marry each other, however, as the victim has not attained the age of majority and thus they decided to get married once the victim attains the age of majority. The applicant has filed an affidavit to that effect. It is submitted that due to some misunderstanding report was lodged.

6. On the other hand, the learned APP submits that at the relevant time, the victim was 16 ½ years old. It is submitted that considering the nature of crime, the applicant may not be released on anticipatory bail.

7. Admittedly the applicant and victim were in love relationship. Considering the over all 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.770 of 2025 registered at Kandivali Police Station for the offences punishable under Sections 64 and 87 of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 8 and 12 of the POCSO Act, he 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.]