

Rajput PR

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.108 OF 2025
IN
CRIMINAL BAIL APPLICATION NO.1356 OF 2023**

Zahiruddin Bashiruddin Shaikh **...Applicant**

Versus

The State of Maharashtra and anr. **...Respondents**

Ms. Bhagyesha Kurane, for the Applicant.

Ms Anuja S. Gotad, APP for the Respondent - State.

CORAM DR. NEELA GOKHALE, J.

DATED: 15TH SEPTEMBER 2025

PC:-

1. Applicant seeks modification of bail condition No. (g) of the order dated 28th November, 2023, passed in Bail Application No.1356 of 2023.

2. Applicant was arrested on 5th November, 2022 for the offence punishable under Sections 376(2) (f), 354 and 506 of the Indian Penal Code, 1860 registered on 23rd October, 2022 vide C.R. No.986 of 2022 with the Goregaon Police Station, Mumbai.

3. By order dated 28th November, 2023 the Applicant was enlarged on bail on certain conditions. Condition (g) reads thus:-

“(g) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the jurisdiction of Goregaon Police Station after being released on bail, till the trial concludes.”

4. Ms.Kurane, learned counsel for the Applicant submits that Applicant is a permanent resident of Goregaon (W), Mumbai. His family resides there. He has wife and two daughters residing at the said address. The allegations against the Applicant was made by his daughter that he has committed the said offence in relation with her. It was in these circumstances that this Court while enlarging him on bail directed him not to enter the jurisdiction of Goregaon Police Station except for attending the trial and reporting to the Police Station.

5. It appears that two years have elapsed since the condition was imposed on the Applicant. There is no allegation that he has violated any condition granted in the said bail application. Most pertinently, Ms.Kurane submits that Applicant being an uneducated person, the only job he can do is that of an office boy and servant. He was working as a spot boy in film city. Pursuant to condition (g) of the bail order, he was barred from entering Goregaon, except to attend the Police Station and the Court. Hence he lost his job and livelihood. He is compelled to do some heavy weight lifting manual jobs, which has further aggravated his hernia. He still has an opportunity to work as a spot boy in the Film City. She thus, prays that the Applicant be permitted to enter only the film city premises in addition to the Police Station and the trial Court.

6. On the other hand, Ms. Gotad, learned APP representing the State submits that the offence is of serious nature. The allegation of sexual harassment was made by his

daughter herself. In that view of the matter, the said condition was imposed. She has apprehension in respect of relaxation of said condition.

7. I have heard learned counsels for respective parties and with their assistance gone through record of the case and documents on record.

8. Admittedly, the Applicant is a spot boy and that was his only source of livelihood. He has stayed away for past 2 and ½ years. Admittedly, there is no allegation that he has violated any of the bail conditions.

9. Considering that his employable skill set is limited to working as a spot boy, and considering that he has not breached any condition of bail till date, condition (g) is relaxed to the extent that in addition to attend the Investigating Officer and the trial Court, he is permitted to attend the premises of the film city only during the 08:00 a.m. to 08:00 p.m.

10. It is further made clear that he will not attempt to meet his daughter or his family, during the pendency of the trial either, personally or through any device.

11. Any infraction of this condition shall entail cancellation of relaxation of said condition and restoration of the original bail condition.

12. Interim Application is allowed and disposed in the above terms.

(DR. NEELA GOKHALE, J)