

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 104 OF 2026

Irfan Munir Shaikh
VERSUS
The State of Maharashtra And Ors.

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Mr. Somnath Thengal a/w Mr. Amol Kanaki, for Applicant.

Mr. Nitin. B. Patil, APP for the Respondent-State.

Mr. Rahul Khot a/w Mr. Dilip Shinde, for Respondent No.3.

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CORAM : SACHIN S. DESHMUKH, J.
DATE : 18th MARCH, 2026.

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 113 of 2025 dated 31.01.2025 registered with Karad City Police Station, District Satara for the offences punishable under Sections 64(2)(f), 64(2)(m), 65(2), 74, 75(1) of the *Bhartiya Nyaya Sanhita, 2023* and Sections 4, 6, 8, 10, 12, 17 and 21 of the Protection of Children From Sexual Offences Act, 2012.

2. The prosecution case is that the informant is the grandmother of victim. The accused/applicant, being the father of victim, knowingly exploited her between the year 2022 and December 2024 and repeatedly subjected the minor victim to forcible physical

relations against her will and further issued death threats. It is further alleged that when the victim informed her mother, the mother failed to acknowledge the same. Subsequently, on 19th January 19, 2025, at the informant's residence, the accused again approached the victim committed sexual assault. Hence, the FIR.

3. Learned Counsel for the Applicant submits that the Applicant is the father of the victim and has been falsely implicated due to a misunderstanding. It is further submitted that the medical report does not substantiate the allegations levelled by the prosecution. Considering that the investigation is complete and the charge-sheet has been filed, further custody of the Applicant is unwarranted.

4. Per contra, the learned APP vehemently opposed the application, submitting that the Applicant is involved in the offence against his own daughter and, therefore, the case does not warrant consideration for grant of bail. It is further submitted that the present application is a successive bail application and, in the absence of any change in circumstances, the application is liable to be dismissed.

5. Learned Counsel for Respondent No. 3/Informant submits that the present crime was registered due to a misunderstanding and

that the Informant has given no objection for the release of the Applicant on bail.

6. Having heard the submissions of the learned counsel for the respective parties and upon perusal of the record, including the charge-sheet, indicates that the Informant/grandmother of the victim allegedly noticed for over a period of one year certain abnormalities in the behaviour and walking style of the victim on the date of the incident when the report was lodged, casts a material doubt on the reliability of the allegations.

7. *Prima facie*, the prosecution case is not supported by the medical examination report of the victim. Moreover, the Informant has filed an affidavit stating that the complaint was lodged out of a misunderstanding.

8. So far as the objection regarding the present application being a successive bail application is concerned, this Court had granted liberty to the present Applicant to approach this Court after the lapse of four months.

9. In view of the aforesaid observations and in light of the no objection given by Respondent No.3/Informant, I am inclined to exercise discretion in favour of the Applicant.

10. Hence, the following order :

ORDER

- I) The bail application is allowed.
- II) Applicant - Irfan Munir Shaikh be released on bail, on furnishing PR. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) with one or two local solvent sureties, in the like amount, in connection with C.R. No. 113 of 2025 dated 31.01.2025 registered with Karad City Police Station, District Satara for the offences punishable under Sections 64(2)(f), 64(2)(m), 65(2), 74, 75(1) of the *Bhartiya Nyaya Sanhita, 2023* and Sections 4, 6, 8, 10, 12, 17 and 21 of the Protection of Children From Sexual Offences Act, 2012, on the following conditions :-

- (a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
- (b) The applicant shall attend the trial on each and every date unless exempted by the trial Court.
- (c) The applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers and two of the near relatives.

(d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to approach the concerned Court seeking cancellation of bail, notwithstanding the fact that this Court has granted bail.

(e) It is clarified that in the interest of justice and under any eventuality, the applicant shall be at liberty to approach the trial Court for the relaxation of any of the aforesaid conditions.

III) Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

[SACHIN S. DESHMUKH, J.]