IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2924 OF 2026

Aakib Abdul Ghafur Patel@ Akib Abdul Gafoor Patel ... Applicant

V/S.

State of Maharashtra and Anr. ... Respondents

Mr. Aniket U. Nikam a/w. Nihal M. Mansuri, Muskan M. Mansuri, Abilasha Pawar, Sumit Patil, Rutuj P. Deshmukh and Shivraj Dubele, for the Applicant.
Ms. Anagha Deshmukh, APP for Respondent No.1–State.
Mr. Anup Lahoti, for Respondent No.2.
PSI Ashok Bhansi (Nalasopara, P.S.)

CORAM: SHYAM C. CHANDAK, J.
DATED : 13th OCTOBER, 2026

P.C. :-

1. Heard learned Counsel for the parties. Perused the record.

2. The present application seeks release of the applicant on bail in connection with C.R. No. 367 of 2025, registered with Nalasopara Police Station, Palghar, for the offences punishable under Sections 64, 74, 351 (2), 352 and Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, ("BNS") and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012, ("POCSO Act") on the Report dated 24.08.2025, lodged by Respondent No. 2 ("the victim").

3. The prosecution case is that, at the relevant time, the victim and the applicant were residing in front of each other. The elder sister of the informant was engaged to the applicant. On 19.08.2024, the applicant had taken the victim to some Maulana

for her medical treatment. At that time, the victim was having pain in her stomach. Therefore, the applicant started moving his hand over her stomach and then over her chest. Thereafter, they visited the Maulana, but as it was late at night, they were asked to come in the following morning. Further, the applicant took the victim to his maternal uncle's place. Then, the applicant along with the victim went in a room provided by his maternal aunt. There, the applicant allegedly committed rape with finger. Therefore, on 25.08.2025, the victim filed the said Report which led to the registration of the present crime and the arrest of the accused. On completion of the investigation, police filed the charge-sheet. The learned Special Court declined to release the applicant on bail.

4. Ms. Deshmukh, the learned APP and Mr. Lahoti, the learned Counsel for victim submitted that in her Report, the victim has clearly stated that the applicant has committed the rape, taking an advantage of the situation. The victim had no reason to lodge a false Report against the applicant. They submitted that, earlier, the applicant had committed rape against the mother of the victim consequently, in November 2023, her mother had filed the Report, with Malvani Police Station in July 2025 *vide* C.R. No. 823 of 2025. Thereafter, the victim gathered the courage and filed the said Report against the applicant. Therefore, at this stage, the prosecution case cannot be discarded only on the ground of delay in lodging the Report. As such, there is a *prima facie* case against the applicant and, he is not entitled to bail.

5. Record indicates that, prior to the filing of the Report by the victim, there was a friendly relationship between her mother and the applicant. The applicant used to help the mother of the victim

in many tasks. It is alleged that in November 2023, the applicant had committed rape on the mother of the victim by causing her to drink lemon juice mixed with an intoxicating substance. Consequently, in july 2025, the mother of the victim had lodged the said Report against the applicant. During investigation of that crime, the statement of the present victim was recorded. However, in that statement, the victim did not disclose about the alleged rape. It is surprising that in both the cases of alleged rape, the Reports were lodged, belatedly. There is no satisfactory explaination for the same. Therefore, in this case, the possibility of an afterthought FIR is not completely ruled out. As such, I find it difficult to conclude that there is a *prima facie* case against the applicant of having committed the present crime.

The investigation is over. The detention of the applicant in jail will not serve any purpose. The applicant is not likely to abscond and tamper with the prosecution evidence. He is granted bail in the crime registered by the mother of the vicitm.

6. In the wake of above, I am inclined to allow the application. Hence, following Order:

(i) The applicant- Aakib Abdul Ghafur Patel @ Akib Abdul Gafoor Patel, be released on bail in aforesaid C.R. No. 367 of 2025, registered with Nalasopara Police Station, District Palghar, on his executing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

(ii) The applicant shall mark his attendance at Nalasopara Police Station on 1st and 3rd Sunday of each calendar

month, between 11:00 a.m. and 2:00 p.m. till conclusion of the trial.

(iii) The applicant shall regularly attend the proceedings before the jurisdictional Court unless exempted by the said Court, for the reasons to be recorded in writing.

(iv) The applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence upon the prosecution witnesses to prevent them from deposing against him.

(v) The applicant shall not enter the jurisdiction of the Jogeshwari (East) area till the conclusion of the trial.

(vi) On being released from jail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(vii) It is clarified that any observation made in the present Order are for the purpose of deciding the present Bail application. The trial Court shall decide the said case without getting influenced by any of the said observations.

7. Bail application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)

PREETI HEERO JAYANI
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