HEMANT CHANDERSEN SHIV

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3357 OF 2026

Jainul Nasruddin Khan ...Applicant

V/s.

The State of Maharashtra & Ors. ...Respondents

Mr. Mushtaq Shaikh with Sameera Khan i/b Law Pride and Associates for the Applicant.
Mr. Vinod Chate, APP for Respondent No.1.
Mr. Vishnu Wani for Respondent No.2.

CORAM: SHYAM C. CHANDAK, J.
DATED : 14th OCTOBER 2026

P.C. :-

1. At the outset, Mr.Wani, learned Counsel for Respondent No.2 submits that the victim girl has, now, attained majority. Therefore, as requested by Mr.Wani, learned Counsel, leave to amend for adding the victim girl as party Respondent No.3 is granted. Amendment to be carried out forthwith.

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

3. Present Application seeks release of the applicant on bail in connection with Cr. No.577 of 2024, registered with Malwani police station, Mumbai for the offence punishable under Sections 376 of the Indian Penal Code, 1860 ("IPC") and Sections 4, 5 (j) (ii), 5 (l), 5 (n), 6, 8, 12 of the Protection of Children from Sexual Offences Act, 2012 ("POCSO Act") on the report filed by father of victim.

4. The prosecution case is that, between 1st December 2023 to 22nd April 2024, the applicant repeatedly committed forcible sexual

intercourse with the victim, then aged 16 years, against her will. Therefore, the aforesaid crime came to be registered on the report lodged by the informant, the father of the victim. The report led to arrest of the applicant and filing of charge-sheet. The trial Court declined to release the applicant on bail. Hence, this application.

5. Mr. Shaikh, learned Counsel for the applicant, and Mr. Wani, learned Counsel for Respondent No. 2, submitted that Respondent No.3, the victim has now attained majority. The families of both the parties have decided to solemnize the marriage between the applicant and the victim. The victim and her father are present before the Court. The father of the victim states that he has no objection for the marriage of the victim with the applicant. The victim states that she is also willing to marry the applicant. Therefore, the victim and her father stated that they have no objection to release the applicant on bail. The Affidavits affirmed by the father and the victim to that effect are tendered by Mr.Wani. The same are taken on record and marked 'X' and 'Y' respectively.

6. The narration in the statement of the victim indicates that she was in love with the applicant. She had conceived a child out of their physical relationship and she gave birth to a male child. Respondent No.2 and the victim have stated that they are willing to take custody of that child from the shelter home. The said fact is also stated in their respective Affidavits. Mr. Shaikh, learned Counsel for the applicant, on instructions, stated that the family of the applicant is ready to accept the child.

7. In the wake of above, the applicant may be released on bail. Hence, following Order :-

(i) The applicant – Jainul Nasruddin Khan be released on bail in aforesaid FIR registered with Malwani police station, Mumbai, on his executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(ii) The applicant shall mark his attendance at Malwani police station, Mumbai on 1st day of a month between 11:00 a.m. to 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) 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.

(vi) The applicant shall not indulge in identical activities for which he has been arraigned in this case.

(vii) It is clarified that any observation made in the present order are for the purpose of deciding the present Bail Application and should not influence the out come of the trial and also not be taken as an expression of opinion on the merits of the case.

8. At this stage, as requested by the learned Counsel Mr.Shaikh, the applicant is granted four weeks' time to furnish surety. Till then, the applicant be released on bail on his executing a P.R. Bond in the sum of Rs.25,000/- and depositing a sum of Rs.15,000/- in lieu of furnishing the surety bond. On furnishing such surety/ies, the amount of Rs.15,000/- deposited by the applicant shall be returned.

9. Bail Application stands disposed of in the aforesaid terms.

(SHYAM C. CHANDAK, J.)