Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3555 OF 2026

Salma Sirajuddin Sayyad @ Shaikh .. Applicant

Versus

State of Maharashtra and Anr. .. Respondents

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- Mr. Tejas Hilge through Video Conferencing a/w. Mr. Ghanasham Jadhav, Advocates for Applicant.
- Ms. Rajeshree Newton, APP for Respondent No.1 – State.
- Ms. Tithi Raut, Advocate appointed through Legal Aid for Respondent No.2.
- Mr. C.A. Gadilwad – PSI Faraskhana Police Station

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 13, 2026.

P.C.:

1. Heard Mr. Hilge, learned Advocate for Applicant; MS. Newton learned APP for Respondent No.1 – State and Ms. Raut learned Advocate appointed through Legal Aid for Respondent No.2.

2. This is an Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking bail in connection with C.R.No.16 of 2026 registered with Faraskhana Police Station, Pune for offences punishable under Sections 144, 96, 98, 99, 3(5), 351(2), 115(2), 127(4), 137(2), 64, 49 and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 4 and 17 of Protection of Children from Sexual Offences Act, 2012 (for short

'POCSO')and Sections 3, 4, 5, 6 and 7 of Immoral Trafficking Prevention Act, 1959 (for short 'PITA'). The First Information Report is filed on 23.01.2026 and Applicant came to be arrested on 23.01.2026.

3. Applicant before Court is arraigned as Accused No.4 in the present case. According to Victim, First Information Report is lodged on 23.01.2026. It is prosecution's case that Victim came to Pune from Bangladesh in 2023 when she was a minor and resided with Accused No.3 for 1 year and half year when allegedly she forced the victim into physical relationships. However according to Victim's statement, she was well looked after by Accused No.3, she was provided food and clothing and her every need was taken care of however Accused No.3 kept all the money to herself. After 1 and half year, Victim was allowed to leave Accused No. 3 and she decided to reside with Accused No.1 in her house in Pune and on her own volition indulged into physical relations with customers. After 3 and half months residing together, Victim then had a fallout with Accused No.1 and left her house to reside with Accused No.2 on her own volition with whom Victim spent over one year indulging in the same work but thereafter left her and went to reside with present Applicant (Accused No.4). After around 1 month, certain differences arose between Victim and Accused No.4 when the own owner of the house of the house did not assist her and she lodged the present FIR. The victim is a major today.

4. The only role attributed to present Applicant in FIR is that victim resided in her house for 15 days. Victim herself states she was a major at that time hence applicability of POCSO and PITA is *prima facie* ruled out against the present Applicant and there is no charge or complaint of force, coercion, physical assault or subjugation by the Victim. The Medical Report *prima facie* does not support Victim's case nor does it show any injury. There is no motive or intention *qua* the present Applicant arraigned as Accused No.4. Insofar as the alleged crime is concerned, Accused No.3 in the same FIR has already been released on bail by this Court by order dated 12.10.2026. The same reasoning would apply to present Applicant on parity and even otherwise as seen from the material appended to the present Bail Application. Ms. Raut, learned appointed Advocate for Respondent No.2 has fairly argued the present case however I am unable to countenance her submissions.

5. Hence, in view of the above *prima facie* observations and findings, Bail Application of Applicant is allowed subject to the following terms and conditions:-

(i) Applicant is directed to be immediately released from prison in connection with CR. No.16 of 2026;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five

Thousand only) with one or two sureties in the like amount;

(iii) Applicant shall report to the Investigating Officer at concerned Police Station, once every month, on the first Monday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

(iv) Applicant shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicant shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of her current residential address and mobile telephone number and shall forthwith inform the Investigating Officer of any change in her residential address or mobile telephone number, as and when such change

occurs; and

(viii) Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to the Applicant.

6. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

7. This Court appreciates the assistance rendered by Ms. Raut, learned Advocate appointed through the Legal Aid to espouse the cause of Respondent No. 2. Her fees are to be paid by the High Court Legal Aid Services Authority as per rules on production of a server copy of this order and other compliances in accordance with the decision of this Court in the case of ***Sanjyot Nitin Telharkar v. The State of Maharashtra & Anr.***[1] and the Schedule under Regulation 18(1) of the Maharashtra State Legal Services Authority Rules, 1998.

8. Bail Application is allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]

Ajay

1 Judgment dated 25.09.2024 passed in Misc. Civil Application No. 134 of 2024

AJAY TRAMBAK UGALMUGALE
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Date: 2026.10.14 14:59:32 +0530