

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2188 OF 2025

Salman Abdul Sattar Shaikh	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Anees Aslam Shaikh a/w Anas Ehtesham Shaikh, Pallavi
Waghade and Taha Qureshi, for the Applicant.
Ms. Sangeeta D. Shinde, APP for the Respondent - State.

CORAM: R. M. JOSHI, J.

DATED: 7th APRIL, 2026.

PC:-

1. The Applicant seeks his enlargement on bail in connection with CR No.182 of 2024 registered with Deonar Police Station, Brihanmumbai City, for offence punishable under Sections 376(2)(n), 323 and 504 of the Indian Penal Code, 1860.
2. The Informant is a lady aged about 30 years. She claims to have got acquainted with the Applicant and they were in love relationship. According to her, the Applicant gave promise of marriage. On this pretext, the Applicant kept physical relations with her. When she became pregnant, the Applicant driven Informant away from house and refused to marry and hence report came to be lodged. On conclusion of investigation, charge-sheet was filed. The Applicant was arrested on 24th April, 2024.

3. Learned counsel for the Applicant submits that perusal of the FIR clearly indicates that there was consensual relationship between the Informant and the Applicant. It is his submission that in fact the prosecutrix had recorded no objection for grant of bail before the Sessions Court. However, as the said no objection was recorded in Marathi language, the Sessions Court refused to consider the same.

4. Learned APP opposed the application by citing seriousness of the crime.

5. *Prima facie* perusal of the record indicates that this is a case of consensual physical relationship between two adults. There is record to indicate that prosecutrix has in fact recorded no objection for grant of bail before the Sessions Court. In view of the same, this Court finds no justification in rejecting the application. In any case, Applicant cannot be kept behind the bars by way of pre-trial sentence. The Applicant has no criminal history behind him and he is not likely to flee from justice. Hence, following order is passed.

ORDER

- i) The Bail Application is allowed.
- ii) In connection with C.R. No.182 of 2024 registered with the Deonar Police Station, Brihanmumbai City, the Applicant be enlarged on bail on furnishing PR Bond of Rs.15,000/- with one surety in the like amount, to the satisfaction of the Trial Court.
- iii) The Applicant shall not tamper with or interfere with the prosecution evidence in any manner whatsoever.

iv) The Applicant shall attend all dates of hearing before the Trial Court unless exempted.

v) The Applicant shall not contact the First Informant / prosecutrix in any manner whatsoever.

6. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(R. M. JOSHI, J.)