

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.3152 OF 2025

Naushad Ramjan Ali @ Maniyar @ Mahihar ...Applicant

V/s.

The State of Maharashtra & Anr. ...Respondents

Adv. Shambhu Jha a/w Adv. Afsar Ansar and Adv. Suraj Pandey i/by
Adv.Arvind Yadav, for the Applicant.

Mr. S.S. Ghag, APP for the Respondent No.1-State.

Ms. Saima Ansari (Appointed Advocate) for the Respondent No.2.

PI – Bile Sunil, Investigating Officer, Malwani Police Station, Mumbai,
present.

CORAM : SHYAM C. CHANDAK, J.

DATED : 15th JUNE, 2026

P.C. :-

. Present Application seeking release of the Applicant on bail in
connection with F.I.R. bearing C.R. No.644 of 2024 registered with
Malwani Police Station, for the offence punishable under Section 376 and
376(2)(n) of the Indian Penal Code and under Sections 4, 5(l)(j)(2), 6, 8
and 12 of the Protection of Children From Sexual Offences Act, 2012.

2) Heard Mr. Jha, learned Counsel for the Applicant, Mr. Ghag,
learned APP for Respondent No.1-State and Ms. Ansari, learned appointed
Counsel for Respondent No.2. Perused the record.

3) The prosecution case is that prior to 6th May 2024, the victim
girl aged 17 years and the Applicant came in contact with each other
through Instagram. During telephonic calls, the Applicant told the victim
that he loves her and he would marry with her. The victim started meeting

with Applicant whenever he used to call her. During the said meetings, the Applicant used to sexually assault her. From June 2023 till 25th April 2024, the Applicant committed repeated sexually intercourse with the victim against her will. In April 2024, with the help of pregnancy kit, the victim herself got to know that she was pregnant. When she told the said to the Applicant, he suggested her to take a pill causing an abortion. But the victim refused to that and told him to marry with her. Thereafter, she repeatedly called the Applicant but he did not respond. Thus, the Applicant committed rape on the victim on the pretext that he loves her and would marry with her. Therefore, on 4th May, 2024 the victim went away apprehending defamation. Therefore, the mother of the victim filed a complaint that an unknown person kidnapped the victim. Thereafter, on being persuaded by her sister, the victim returned home. Police inquired with the victim. Therein, she narrated the incident as afore stated. Therefore, the police arrested the Applicant. On completion of the investigation, police submitted the charge-sheet.

4) Considering the statement of the victim, it is evident that for almost one year she was in contact with the Applicant. During the said period, the Applicant had repeatedly committed sexually intercourse with her and consequently she got pregnant. Although the parents of the victim had told her not to maintain any relationship with the Applicant, she continued her friendship with him. Until the revelation of the pregnancy, the victim never disclosed to her family about her physical relationship with the Applicant. These circumstances *prima facie* indicate that the physical relationship between victim and the Applicant was consensual.

5) The Applicant is in jail since last two years. Since the investigation is over, detention of the Applicant in jail will not serve any purpose. The trial will take a considerable time. The Applicant is not likely to abscond or tamper with prosecution evidence.

6) In the wake of above, the Applicant is entitled for bail. Hence, following Order is passed:-

- (i) Bail Application is allowed.
- (ii) Applicant – Naushad Ramjan Ali @ Maniyar @ Mahihar shall be released on bail in connection with F.I.R. bearing C.R. No.644 of 2024 registered with Malwani Police Station, for the offence punishable under Section 363 of the Indian Penal Code, 1860 and it was converted into Sections 376, 376(2)(n) of the Indian Penal Code and under Sections 4, 5(l)(j)(2), 6, 8 and 12 of the Protection of Children From Sexual Offences Act, 2012, on his furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- (iii) The Applicant shall mark his attendance at Malwani Police Station, Mumbai on the 1st day of each calendar month between 12:00 noon to 4:00 p.m., till the conclusion of the trial.
- (iv) 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.
- (v) The Applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence upon the prosecution witness to prevent them from deposing against him.
- (vi) The Applicant shall reside outside the jurisdiction of Malwani Police Station, Mumbai, till the trial in this crime is over except the date on which his attendance is required in the aforesaid Sessions case.
- (vii) On being released from jail, the Applicant shall furnish his contact number and residential address to the Investigation Officer and shall keep him updated, in case there is any change.

(viii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination to the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the Applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

(SHYAM C. CHANDAK, J.)