

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3282 OF 2025**

Salim Amin Ladab	 Applicant
Vs.	
State of Maharashtra & Anr.	 Respondents

Mr. Mubashir Hussein with Mr. Munzir Hussein with Munibah Iram and
Ms. Zubi Ansari i/b Hussein & Co. for the Applicant.
Ms. S. K. Gajare, APP for Respondent No.1-State.
Mr. Sushan Mhatre, Advocate appointed for Respondent No.2.
Mr. Shelar, PSI, Saki Naka police station present.

CORAM : SHYAM C. CHANDAK, J.

DATED : 10th JUNE, 2026

P.C. :-

- 1) Present Application seeks release of the Applicant on bail in connection with C. R. No.460 of 2023 registered with Saki Naka police station under Sections 376, 376(2)(n), 506 of Indian Penal Code, 1860 and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act").
- 2) Heard Mr. Hussein, the learned Counsel for the Applicant, Ms. Gajare, the learned APP for Respondent No.1-State and Mr. Mhatre, the learned appointed Advocate for Respondent No.2.
- 3) The prosecution case is that the victim aged 17 years and 6 months, and the Applicant were residing in the same chawl. The Applicant used to visit at the house of the victim. In November 2022, the Applicant committed sexual intercourse against the will of the victim inside her house and threatened not to disclose about the rape to anyone. Thereafter, repeatedly, the Applicant committed the said act against her will. On 26th April 2023, the grandmother of victim took her to private hospital as the victim was

unwell. On examination, the doctor told that the victim was five months pregnant, therefore, the victim filed a report dated 29th April 2023 and this lead to registration of the aforesaid crime. The Applicant was arrested on 30th April 2023. On completion of the investigation, the charge-sheet came to be filed.

4) Mr.Hussein, the learned Counsel for the Applicant submitted that there is no admissible evidence on record that the victim was minor at the time of incident. The DNA report excluded the Applicant to be father of the male child born out of the alleged sexual intercourse. This fact itself indicates that the Applicant is innocent. The Applicant is behind bars since last three years. The Applicant's family is suffering from great hardship because of his incarceration. Therefore, the Applicant is entitled for bail.

5) Ms.Gajare, the learned APP for Respondent No.1-State and Mr.Mhatre, the learned appointed Advocate submitted that although the DNA has excluded the Applicant to be father of the child born out of the alleged sexual intercourse, from the victim's narration in her report and statement recorded under Section 164 it is evident that she was repeatedly raped by the Applicant. There is no reason for the victim to falsely implicate the Applicant in this case. As such, there is *prima facie* case against the Applicant, therefore, the Bail Application be rejected.

6) Admittedly, the victim and the Applicant were residing in the same locality. It is matter of record that till revelation of the pregnancy, the victim never complained against the Applicant to anyone. The victim was more than 17 years of age. Therefore, the aspect of consensual sex is indicative from the record. No doubt, consent of such victim is insignificant. Nevertheless, it cannot be ignored that, the DNA report has excluded the Applicant to be the biological father of the child of the victim. The Applicant is in jail for more than three years. The trial will take considerable time to conclude. The Applicant is married and his family is dependent upon him.

7) In Jayanta Chatterjee vs. The State of West Bengal, Criminal Appeal No.537 of 2020(Arising out of SLP (Cri.) No.2844 of 2020), the DNA report did not show that the Applicant/accused was father of the child born. Hence, *vide* Order dated 24/08/2020, bail was granted to the said accused by the Hon'ble Supreme Court.

8) In view thereof, the Applicant is entitled for bail. Hence, the following Order is passed :-

- (i) Bail Application is allowed.
- (ii) The Applicant-Salim Amin Ladab shall be released on bail in connection with FIR bearing C. R. No.460 of 2023 registered with Saki Naka police station, Mumbai under Sections 376, 376(2)(n), 506 of Indian Penal Code, 1860 and Sections 4, 8 and 12 of the POCSO Act, 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 Saki Naka police station on the 1st day of each calendar month between 12.00 noon to 4.00 pm, till the conclusion of the trial.
- (iv) The Applicant shall regularly attend before 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) 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.

- (vii) 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.
- 9) Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)