

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3588 OF 2025

Rakibul Deen Mohammad Khan ...Applicant
@ Rakibul Shaikh

Versus

The State of Maharashtra ...Respondent

Mr. Khwaja Shaikh, for the Applicant
Mr. Ashok S. Gawai, APP, for the Respondent - State.
Adv. Gunjan Thakkar, for the Respondent No.2 - Victim.

CORAM: R. M. JOSHI, J.

DATED: 6th MAY, 2026

PC:-

1. This is second bail application in connection with Crime No. 1116 of 2022 registered with Goregaon Police Station, Mumbai, for the offences punishable under Sections 376 (2)(i) and 506 of the Indian Penal Code, 1860 (for short, "IPC") and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short, "POCSO Act").

2. First bail application came to be rejected by this Court by order dated 17.04.2024 passed in Bail Application No. 2188 of 2023. Present application is filed solely on the ground that the trial has not commenced till date though charge is framed on 05.12.2024. Learned Counsel for the Applicant submits that Applicant is arrested on 24.12.2022 and since the victim is not traceable, there is no possibility of trial being completed in a

reasonable time. He therefore seeks bail. According to him, Applicant has no antecedent against him and he is not likely to flee from justice.

3. Learned APP and Counsel for the Respondent No.2-Victim opposed the application by citing seriousness of the crime. They sought to draw attention of the Court to the evidence collected during the course of investigation against the Applicant.

4. The first bail application is rejected on merit and as such and it is not open for this Court to reconsider the merits of the case. At this stage however, it is material to note that though the charge has been framed on 05.12.2024, since then the victim is not traceable and as such the trial has not commenced. In the light of this fact, this Court has find substance in the contention of the learned Counsel for the Applicant the trial is not likely to commence in a reasonable period of time. In such circumstances Applicant cannot be kept in a jail without trial. He has no criminal history and he is not likely to flee from justice. Hence following order.

ORDER

- i) Criminal Bail Application stands allowed in connection with Crime No. 1116 of 2022 registered with Goregaon Police Station, Mumbai, for the offences punishable under Sections 376 (2)(i) and 506 of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

- ii) The Applicant be enlarged on bail, on furnishing P. R. Bond of Rs.15,000/- with one surety in the like amount, to the satisfaction of the Trial Court.
- iii) The Applicant shall not contact victim or any witness in any manner whatsoever.
- vi) The Applicant not to interfere in the evidence of prosecution, in any manner, whatsoever.
- v) The Applicant to attend all dates of hearing before the Trial Court, unless exempted by specific order.
- vi) Any breach of the aforesaid condition shall result forthwith into cancellation of bail.

5. The application is allowed in aforesaid terms and is accordingly disposed of.

6. It is clarified that the above observations are made on *prima facie* consideration of the material on record and the same shall not bind the parties during the trial.

(R. M. JOSHI, J.)

VDMokal/-