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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

CRIMINAL BAIL APPLICATION NO.3658 OF 2025

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Mohammad Afak Bakridi Shaikh Idrishi ...Applicant
V/s.
State of Maharashtra & Anr. ..Respondents

Mr.B.V Bukhari i/b Mr.Sushil Upadhyay for the Applicant.

Mr.Arfa Sait, APP for the Respondent – State.

Ms.Komal Sinha for Respondent No.2 – Victim.

Mr.Shrikant Ingavale, PI attached to Malvani Police Station is present in Court.

CORAM : R.M. JOSHI, J.
DATE : 4TH MAY, 2026.

P.C. :-

1. The Applicants seeks bail in connection with Crime No.199 of 2025 registered with Malvani Police Station for the offences punishable under Sections 137(2), 64, 64(2), (d), (ch), 65, 75, 3(5) of Bhartiya Nyaya Sanhita, 2023 (BNS) and under Sections 4, 5 (l), (n), 6, 10, 17, 21 of the Protection of Children from Sexual Offences) Act, 2012 (POCSO Act), the first

informant is a minor girl, who made the allegations against the present Applicant, who is the relative of the victim from her mother's side. The FIR lodged on 12th February, 2025 indicates that the present Applicant sexually abused her. The informant claims that with the help of N.G.O. she could lodge the report against the Applicant. On completion of the investigation, chargesheet came to be filed.

2. Learned counsel for the Applicant submits that the informant had lodged Crime No.579 of 2024 against another person. Wherein her statement was not only recorded by the Police but also recorded before the Magistrate. It is his submission that in the said statements, there is absolutely no allegation against the present Applicant of him committing any sexual assault on her. This according to him indicates that the present FIR is concocted. Learned counsel for the Applicant submits that the Applicant has no criminal history and he is not likely to flee from justice if he is enlarged on bail.

3. Learned APP and learned counsel for Respondent No.2 opposed the application by citing seriousness of the crime. It is

their contention that the victim in her statement to the police as well as before the Magistrate, has consistently stated about the acts committed by the present Applicant. It is their contention that having regard to the nature of the crime, the Applicant is not entitled for bail.

4. Though it is a settled position of law that the statement of the victim if found reliable, can become a sole ground for conviction of an accused. At the same time, the inconsistent statement at different stage of investigation would require corroboration. In the light of this position of the law, here in this case, crime No.579 of 2024 registered by the informant against another person, her statement was recorded not only before the police but also before the learned Magistrate. This Court finds substance in the contention of the counsel for the Applicant that if any such incident would have occurred, it was open for the victim to narrate the same at least to the learned Magistrate, who is an independent person. Non-disclosure of any such incident to the learned Magistrate creates serious doubt about the allegations made in the present crime. Having regard to these facts and more

particularly when the Applicant has no criminal history, this Court finds no justification for rejection of bail.

5. Learned APP and learned counsel for Respondent No.2 apprehend pressurizing of the victim at the hands of the Applicant if he is enlarged on bail. Learned counsel for the Applicant on instructions undertakes not to contact the victim in any manner whatsoever.

6. Hence the following order : -

ORDER:

- a). The Application stands allowed.
- b). The Applicant be enlarged on bail in connection with Crime No.199 of 2025 registered with Malvani Police Station on furnishing PR bond of Rs.15,000/- with one surety or two sureties in the like amount to the satisfaction of the Trial Court.
- c). The Applicant to attend the Trial Court on each dates of hearing unless exempted by the Trial Court.
- d). The Applicant not to contact the victim or any witness directly or indirectly and not to interfere into the evidence of the prosecution in any manner whatsoever.

7. It is clarified that above observations are *prima-facie* in nature and would not bind Trial Court / parties during trial.

(R.M. JOSHI, J.)