

N.S.Kamble

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

CRIMINAL BAIL APPLICATION NO. 4093 OF 2025

Nanki @ Irfan Shamim Shaikh ... Applicant

Versus

The State Of Maharashtra And Anr ... Respondents

**WITH
CRIMINAL BAIL APPLICATION NO. 333 OF 2026**

Saheed Firoz Miyan ... Applicant

Versus

The State Of Maharashtra And Anr ... Respondents

Mr.Arpit Mutha, for the Applicant in BA No.4093 of 2025.
Mr.Chetan Deshmukh, for the Applicant in BA No.333 of 2026.
Mr.S.S. Pednekar, APP for Respondent-State in both Applications.
Ms.Sujata Bule, for Respondent No.2 in BA No.4093 of 2025.

CORAM : SHIVKUMAR DIGE, J.

DATE : 2nd APRIL 2026

P.C. :

. Both these Applications are arising out of the same crime, hence,

I am deciding it by common order.

2. By these Applications, the Applicants are seeking regular bail in

Crime No.175 of 2025 registered with Nashik Road Police Station, District-

N.S.Kamble

Nashik for the offences punishable under Sections 118(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS' for short), Sections 4(2), 12, 14(1), 14(2) of the Protection of Children from Sexual Offences Act, 2012 ('POCSO' for short) and Sections 67 and 67(B) of the Information Technology Act, 2000 ('I.T. Act', for short).

3. It is prosecution's case that the Applicants forcibly took the victim to one bungalow and forced them to undress and put each others private part in their mouth.

4. It is contention of learned counsel for the Applicants that the Applicants were not involved in sexual Act. The entire incident is recorded in mobile. The mobile recording shows that the victims were laughing and they were enjoying the said act. At the time of incident, the Applicants were 18 years old. They have no antecedents. The Applicants were not seen in the recording. It may take time to conclude the trial, and requested to allow the Application's.

5. It is contention of learned APP along with learned counsel for Respondent No.2 that the Applicants forced the victims to come to the bungalow and undressed and asked them to put each others private part in their mouths. The victims were 10 years and 11 years old. Their statements are recorded. If the Applicants are released on bail, they may abscond or

N.S.Kamble

threaten Victims and prosecution witnesses, and requested to reject the Application's.

6. I have heard all learned counsel. Perused charge-sheet and documents produced on record.

7. There are no allegations in the FIR against the Applicants about committing any sexual act with the victims. The allegations against them are they compelled the victims to perform sexual act. It is contention of the learned counsel for the Applicant that the mobile recording shows victims were laughing and enjoying the said act. In the said mobile recording, Applicants are not seen. To prove the allegations against the Applicants evidence is required. The Applicants have no antecedents. At the time of incident they were 18 years old.

8. Considering these facts, I pass following order.

ORDER

(i) The Applicants be released on bail in Crime No.175 of 2025 registered with Nashik Road Police Station, District-Nashik, on furnishing PR bond of Rs.25,000/- each with one or two solvent sureties each in the like amount.

(ii) The Applicants shall not tamper with the evidence and/or influence the prosecution witnesses.

N.S.Kamble

- (iii) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.
- (iv) The Applicants shall attend the concerned Police Station as and when required.
- (v) Both Application are allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)