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VASANT
ANANDRAO
IDHOL

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4641 OF 2025

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Mohammed Amir Abid Ali	...Applicant
V/s.	
State of Maharashtra & Anr.	...Respondents

Mr.Nazeeshan Khan for the Applicant.

Mr.R.M. Pethe, APP for the State – Respondent.

Ms.Kanchan Pawar for Respondent No.2.

CORAM : R.M. JOSHI, J.
DATE : 23RD MARCH, 2026.

P.C. :-

1. The Applicant seeks bail in connection with Crime No.287 of 2025 registered with Wadala Truck Terminal Police Station Police Station for the offences punishable under Section 46, 64 (1), 65 (1), 74, 75, 137 (2), (3), (5), r/w 4 (2), 8, 17 of POCSO, 2012.

2. On the basis of the FIR lodged with the concerned police station by the mother of the victim, the Applicant and the

co-accused came to be arrested. It is alleged against them that they took the minor girls along with them from the custody of their parents and the girl were subjected to sexual assault. The girls were sent to medical examination. The Medical Officer recorded history given by them. On conclusion of investigation, charge-sheet came to be filed.

3. Learned counsel for the Applicant submits that the co-accused against whom similar allegations are levelled, is already enlarged on bail. It is his submission that there are inconsistencies in the statement of the victim as recorded by the police under Section 161 of Cr.P.C. and the history given to the Medical Officer. He drew the attention of the Court to the history given to the Medical Officer indicating that there is no history of sexual relation. It is his submission that the Applicant has no criminal background and he is not likely to flee from justice, as trial is not likely to get over in period of time and seeks bail.

4. Learned counsel for Respondent No.2 though opposed the application, she points out that before the Trial Court, no

objection was recorded by the informant for grant of bail to Applicant.

5. Learned APP drew the attention of the Court to the medical report indicating that the victim is subjected to sexual intercourse. He also drew the attention of the Court to the history recorded on 17th May, 2025 which indicates that there was consensual relationship between the Applicant and the victim. It is his submission that since admittedly the victim was minor at the relevant time, the consent is immaterial. He opposes the application citing the seriousness of the crime.

6. There cannot be any dispute made with regard to the proposition of law that consistent and reliable statement of the of victim can become sole basis of the conviction of the accused. However, at the same time the other circumstances if indicate otherwise cannot be ignored. Even in this case, there is statement recorded at one point of time before the Medical Officer denies the history of sexual intercourse. Thus it cannot be said that all the statements made by the victim during the course of investigation are consistent. Similarly, this appears to

be the case of love affair between the victim and the Applicant. Once informant records no objection to grant of bail, one can foresee fate of trial. The Applicant has no criminal history and is not likely to flee from justice. The trial is not likely to get over within a reasonable period of time. Hence the order.

ORDER:

- a). The Application stands allowed.
- b). The Applicant be enlarged on bail in connection with Crime No.287 of 2025 registered with Wadala Truck Terminal Police Station on furnishing PR bond of Rs.15,000/- with one surety in the like amount for the satisfaction of the Trial Court.
- c). The Applicant is directed to attend the Trial Court on each dates of hearing unless exempted by the Trial Court.

(R.M. JOSHI, J.)