

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 4763 OF 2025

Abulais Majeed Shaikh	...Applicant
<i>Versus</i>	
The State of Maharashtra And Anr.	...Respondents

Ms. Afreen Shaikh a/w Nikhat Shaikh, for the Applicant.
Ms. Manisha R. Tidke, APP, for the Respondent - State.
Ms. Noorsaba Shaikh, for the Intervenor.
API Laxman Kharat, Sewri Police Station, Mumbai, is present.

CORAM: R. M. JOSHI, J.

DATED: 24th APRIL, 2026

PC:-

1. Applicant seeks bail in connection with Crime No. 326 of 2025 registered with Sewri Police Station, Mumbai for the offences punishable under Sections 115(2), 351(2), 64(2)(f), 75(1) of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS") and Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act").

2. On the basis of First Information Report lodged by the victim, a minor girl, allegations was levelled against the Applicant who is her father of she being sexually abused by him. On the basis of the said information, offence came to be registered against the Applicant. During the course of

investigation, though the victim was referred for medical examination, she refused to undergo the same.

3. Learned Counsel for the Applicant submits that informant-victim as well as mother of the victim have lead evidence before the Trial Court and they turned hostile. It is her contention that barring the statement made to the police by the victim, there is absolutely no evidence to connect the Applicant with this crime. It is her submission that more particularly in view of the fact that victim has turned hostile, no charge can be proved against the Applicant.

4. Learned Counsel for the Respondent No.2 on the basis of instructions from the victim as well as her mother records no objection for grant of bail.

5. Learned APP opposed the application by contending that on the basis of no objection of the victim, bail cannot be granted to the Applicant. She claims that statement of victim recorded before the police is sufficient to show involvement of the Applicant in this crime.

6. No doubt, bail cannot be granted on the basis of no objection recorded by the victim since the offence is charged against the Applicant are punishable under POCSO Act. However, record indicates that the except for the statement of the victim recorded before the police, there was no other

evidence in order to show involvement of the Applicant in this crime. Now admittedly victim has not supported the said version before the Trial Court as she turned hostile. As such there would be no other evidence before the Trial Court in order to convict the Applicant. Applicant has no criminal history. He is not likely to flee from justice. In the facts from the case, bail cannot be rejected. Hence, following order :-

ORDER

- i) Criminal Bail Application stands allowed in connection with Crime No. 326 of 2025 registered with Sewri Police Station, Mumbai for the offences punishable under Sections 115(2), 351(2), 64(2)(f), 75(1) of the Bharatiya nyaya Sanhita, 2023 and Sections 4, 8, 12 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/- (Rupees Fifteen Thousand only) with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- iii) The Applicant is directed to attend all dates of hearing before the Trial Court, unless exempted by specific order.
- v) Any breach of the aforestated condition shall result forthwith into cancellation of bail.

7. In view of the above, Application stands allowed and disposed of accordingly.

8. 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 final hearing of the Trial Case.

(R. M. JOSHI, J.)

VDMokal/-