

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

ANTICIPATORY BAIL APPLICATION NO.176 OF 2025

Seema Shabbir Shaikh

...Applicant

V/s.

The State of Maharashtra & Anr.

...Respondents

Mr. Shadab Khopekar, for the Applicant.

Smt. M.S. Bajoria, APP for the Respondent No.1-State.

Adv. Komal Sinha (appointed Advocate) for the Respondent No.2-Victim.

PSI - S.B. Nighot, Malvani Police Station, present.

CORAM : SHYAM C. CHANDAK, J.

DATED : 10th APRIL, 2026

P.C. :-

. The Applicant is apprehending her arrest in C.R. No.1250 of 2024 registered with Malvani Police Station, under Sections 74, 77, 118(1), 351(3) and 3(5) of Bharatiya Nyaya Sanhita, 2023 and under Sections 8, 10, 12 and 21 of the Protection of Children from Sexual Offences Act, 2012 and Section 75 of The Juvenile Justice (Care And Protection Of Children) Act, 2015 and therefore she is seeking pre-arrest bail.

2) Learned APP filed the report of the Investigating Officer. It is taken on record and marked "X" for identification.

3) Heard Mr. Khopekar, learned Counsel for the Applicant, Smt.Bajoria, learned APP for the Respondent No.1-State and Ms. Sinha, learned appointed Advocate for the Respondent No.2. Perused the record.

4) The prosecution case is that, the victims "H" and "A" are son and daughter of the informant. "R" is their biological mother. The marriage of informant with his wife "R" has been dissolved by divorce. Accused No.1

is brother of the informant. The Applicant is wife of A-1. After the divorce, the wife of the informant used to drop her children at the residence of the A-1. However, A-1 used to sexually assault the children. It is alleged that, A-1 used to assault the children by means of belt and used to make obscene videos of the victim girl by removing her clothes. The Applicant used to instigate the A-1 for the said act. "R" was informed by the children about their sexual assault etc. However, she ignored it and thus abated in the crime. Therefore, on the complaint of the informant the aforesaid crime came to be registered. The Anticipatory Bail Application filed by the Applicant before the trial Court came to be rejected.

5) Mr. Khopekar, learned Counsel for the Applicant submitted that the divorced wife of the informant used to drop her children at the house of A-1. The Applicant and her husband A-1 were supporting the divorced wife of the informant and their children. Therefore, the informant has filed the false report by concocting story of sexual and physical assault and tutored the children to give statements to the police, accordingly. even otherwise, the story of the prosecution does not appear probable. As such, the Applicant is innocent and therefore deserves for Anticipatory Bail.

6) Learned APP submitted that, although, in their earlier statement under Sections 180 and 183 of The Bharatiya Nagarik Suraksha Sanhita, 2023, the children have made allegations of sexual and physical assault against the Applicant and her husband. However, in the supplementary statement under Section 180, the children have informed that they were not harassed by the accused persons. In the backdrop, the learned APP submitted to pass necessary Order in the Application.

7) Ms. Sinha, the learned appointed Advocate for Respondent No.2 submitted that, initially, she was instructed by the informant to oppose this Application but later on, he showed his individual

disinclination to resist this Application. Therefore, she submitted that necessary Order may be passed.

8) As alleged A-1 used to assault the children by means of belt and he used to touch the private part of the victim girl aged 6 years. However, the medical examination did not record any injury on the body of the children. The Investigating Officer is present and through the learned APP stated that nothing incriminating was found in the mobile of the A-1. The earlier statement under Sections 180 and 183 of The Bharatiya Nagarik Suraksha Sanhita, 2023. the children had stated in line with the text of the F.I.R. However, by Order dated 21st January 2025, this Court had directed the Investigating Officer to make appropriate report of the investigation in Order to ascertain the veracity of the complaint filed by the informant. In compliance of said direction, the Investigating Officer recorded the supplementary statement of both the children on 21st January, 2025. Therein, they have stated that they do not remember as to whether they were subjected to some harassment by the accused persons.

9) In view of the aforesaid facts and circumstances of the case, it is the question of trial as to whether the Applicant has committed the present crime or not. After grant of interim relief, the Applicant has cooperated in the investigation. The Investigating Officer is present and through the learned APP, he states that custodial interrogation of the Applicant is not necessary. The Applicant is not likely to abscond and tamper with prosecution evidence.

10) In view thereof, the Applicant has made out a case for grant of Anticipatory Bail as prayed for. Hence, the following Order :-

:: ORDER ::

- (a) In the event of the arrest of the Applicant – Seema Shabbir Shaikh in C.R. No.1250 of 2024 registered with Malvani Police

Station, under Sections 74, 77, 118(1), 351(3) and 3(5) of Bharatiya Nyaya Sanhita, 2023 and under Sections 8, 10, 12 and 21 of the Protection of Children from Sexual Offences Act, 2012 and Section 75 of The Juvenile Justice (Care And Protection Of Children) Act, 2015, she shall be forthwith released on bail, on her furnishing P.R. bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

- (b) The Applicant shall regularly attend before the trial Court and cooperate for expeditious disposal of the case.
- (c) The Applicant shall not contact and influence the prosecution witnesses in any manner and shall not tamper with prosecution evidence.

11) The Anticipatory Bail Application is disposed of.

12) It is made clear that the aforesaid observations of this Court are *prima facie*. The trial Court to decide the said case on its own merits, without getting influenced by these observations.

(SHYAM C. CHANDAK, J.)