

S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 369 OF 2026

Islam Mustafa Shaikh

... Applicant

VERSUS

State Of Maharashtra And Anr.

... Respondents

Ms. Nagma Chaudhary, Advocate for Applicant.

Mr. B.B.Kulkarni, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th MAY, 2026.

P.C. :

1. By this application, the Applicant is seeking regular bail in C.R.No. 49 of 2025 registered with Wanwadi (Kalepadal) Police Station, Pune, for the offences punishable under Sections 137(2), 64(2) of Bharatiya Nyaya Sanhita, 2023 (for short "BNS Act"), Sections 5 and 6 of the Protection of children from Sexual Offences Act, 2012 (for short "POCSO Act").

2. It is prosecution's case that applicant kidnapped minor daughter of the first informant and sexually assaulted her on several occasions. It is alleged that applicant is the uncle of the victim.

3. It is contention of learned counsel for the applicant that at the

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time of incident, victim was 17 years old. She herself went with the applicant and stayed with him. There is delay in lodging the complaint. The applicant is behind the bars for one year and two months and requested to allow the application.

4. It is contention of learned APP along with learned counsel for the respondent No.2 that at the time of incident, victim was 17 years old. The applicant is the uncle of the victim. He sexually assaulted her though he was aware about her age. If he is released on bail, he may abscond and threaten victim and prosecution witnesses and requested to reject the application.

5. I have heard all learned counsel. Perused charge-sheet and documents produced on record. At the time of incident, victim was 17 years old. It appears from the statement of the victim that she had gone with the applicant on a lodge, where sexual intercourse occurred between them but she did not lodge complaint. The applicant is behind bars for more than one year and two months. There is no progress in the trial. There is delay in lodging the complaint. Considering these facts, I pass following order.

ORDER

- i. The applicant be enlarged on bail in C.R.No. 49 of 2025 registered with Wanwadi (Kalepadal) Police

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Station, Pune, on executing P.R.Bond of Rs. 30,000/-
on furnishing one or two sureties in the like amount.

- ii. The applicant shall attend the concerned police station as and when required.
- iii. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
- iv. The applicant shall not contact victim.

6. The application is allowed in the aforesaid terms and is accordingly disposed of. All pending applications, if any, disposed of.

7. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)