

S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 615 OF 2026

Feroz Tayyabali Hakim

... Applicant

VERSUS

State Of Maharashtra & Anr

... Respondents

Mr. Vipin Bidkar, Advocate for Applicant.

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

Ms. Priya Patil, Appointed Advocate for Respondent No.2- through Legal Aid present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 30th APRIL, 2026.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. Advocate Ms. Priya Patil is appointed to represent respondent No.2.
3. The applicant is seeking regular bail in Crime No. 489 of 2024 registered with Khadak Police Station for the offence punishable under Sections 74, 351(2)(3) of Bharatiya Nyaya Sanhita, 2023 (for short “BNS Act”) and Section 8 of Protection of Children from Sexual Offences Act, 2012 (for short “POCSO Act”).

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4. It is prosecution's case that applicant outraged the modesty of the daughter of the first informant.

5. It is contention of learned counsel for the applicant that the applicant is behind the bars for one year and one month. The applicant has no antecedents. The maximum punishment prescribed for the offence is upto five years. There is no progress in the trial.

6. It is contention of learned APP along with learned counsel for respondent No.2 that at the time of incident, the age of the applicant was around 53 years, whereas victim was 14 years old. The applicant has outraged the modesty of the victim. If applicant is released on bail, he may threaten victim and prosecution witnesses and requested to reject the application.

7. I have heard all learned counsel. Perused chargesheet and documents produced on record. The maximum sentence prescribed for the offence against the applicant is upto five years. The applicant is behind the bars more than one year and one month. He has no antecedents. It may take time to conclude the trial and I pass following order :

ORDER

- i. The applicant be enlarged on bail in Crime No. 489 of 2024 registered with Khadak Police Station, on executing P.R.Bond of Rs. 30,000/- on furnishing one

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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.

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

9. 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.

10. The Maharashtra Legal Services Authority is directed to pay legal fees to appointed Advocate as per Rule.

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

(SHIVKUMAR DIGE, J.)