

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.734 OF 2026

Nafis Gulam Mohammad Shaikh

...Applicant

Versus

State of Maharashtra

...Respondent

Ms. Smita S. Shirke, for the Applicant.

Mr. A.S. Gawai, APP for the Respondent - State.

CORAM: R. M. JOSHI, J.

DATED: 18th APRIL, 2026.

PC:-

1. The Applicant seeks his release on bail in connection with CR No.961 of 2025 dated 12th August, 2025, registered with Oshiwara Police Station for offence punishable under Sections 64(1), 308(2), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 67(a) of the Information and Technology Act, 2000.

2. The First Informant reported to the police station on 11th August, 2025 that she had acquaintance with the Applicant. According to her, he proposed her for marriage, however, she refused the same. It is alleged that in March, 2025, the Applicant has committed forcible sexual intercourse with her and co-accused has taken video and photographs of the same. She claimed that then she did not lodge police complaint. Another incident in April, 2025 is stated in the report claiming that she was administered stupefying substance and thereafter sexual intercourse was

committed with her. It is further claimed that on the basis of video and photographs money was extorted from her and from time to time she has paid Rs.70 lakhs to the Applicant. After completion of investigation charge-sheet was filed.

3. Learned counsel for the Applicant submits that co-accused are enlarged on bail by the Trial Court. She argues that except for the belated report lodged by the Informant to the police station there is no material in the charge-sheet in order to hold Applicant responsible for the alleged incident. It is further submitted that the delay is not satisfactorily explained. It is further argued that allegation with regard to photographs and videos being taken of the incident is not supported by any material on record. It is further argued that the Applicant was arrested in August, 2025 since then he is in jail. According to her the trial is not yet commenced and there is no likelihood of it getting over in a reasonable time.

4. Learned APP opposed the application by citing seriousness of crime. It is his contention that mobile phone was seized and the same is yet to send for FSL.

5. *Prima facie* perusal of the FIR indicates that there is delay in lodging of the report. The only contention of the Informant for the said delay is threatening of the Applicant making use of video and photographs of the Informant. Pertinently though mobile phone was seized from the application in August, 2025, till date said phone has not been sent to the FSL for examination. This indicates the manner in which the investigation has been carried out. Suffice it to say that at this stage there is absolutely no evidence on record to substantiate the allegations with regard to video and photographs fo the Informant being taken at the time of

occurrence of the alleged incident in March, 2025 and April, 2025. Co-accused have already been enlarged on bail. The Applicant has no criminal history behind him. He is not likely to flee from justice. Hence, following order.

ORDER

- a) The Application is allowed.
 - b) In connection with CR No.961 of 2025 dated 12th August, 2025, registered with Oshiwara Police Station, the Applicant is directed to be released on bail upon furnishing a personal bond of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Trial Court.
 - c) The Applicant shall not tamper with the evidence or attempt to influence any witness.
 - d) The Applicant shall appear before the Trial Court on every date of hearing, unless prevented by sufficient cause.
 - e) The Applicant shall not contact the victim or any other witness whatsoever.
6. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(R. M. JOSHI, J.)