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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

CRIMINAL BAIL APPLICATION NO.866 OF 2026

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Kamrunnisa Salim Shaikh

...Applicant

V/s.

State of Maharashtra & Anr.

..Respondents

Mr.Manish Singh with Mr.Jitesh Jadhav and Mr.Shakil Iqbal for
the Applicant.

Mrs.Sangeeta Shinde, APP for the State – Respondent.

Ms.Ruchita A. Padwal for Respondent No.2.

CORAM : R.M. JOSHI, J.

DATE : 25TH MARCH, 2026.

P.C. :-

1. This Application is for regular bail in connection with
Crime No.1277 of 2025, registered with Malvani Police Station
for the offences punishable under Sections 143(3), 144(2) of
Bhartiya Nyaya Sanhita, 2023 (BNS) and Sections 4 and 5 of
Immoral Trafficking (Prevention) Act, 1956 (PITA). Offences
under the POCSO Act came to be added after filing of the
chargesheet.

2. Learned counsel for the Applicant submits that the Applicant was granted regular bail by the Trial Court by an order dated 1st December, 2025 passed in Bail Application No.1149 of 2025. It is his submission that by that time, the Applicant could give surety, the additional sections under the POCSO Act were charged later against him. It is his submission that without giving an opportunity of hearing and without cancellation of the order of bail, the Applicant was refused to be enlarged on bail. Consequently, another application was filed before the Special Court and the said application came to be rejected by an order dated 13th February, 2026. It is his submission that there is no evidence on record to show that the victim of the crime is a minor. In this regard, he drew attention of the Court to the order dated 1st November, 2025 passed by the Judicial Magistrate First Class, 54th Special Court for PITA, Mazgaon, Mumbai indicating that the victim before the Special Court has not admitted about having indulged into sex work and she claimed her age to be 18 years. It is his submission that in view of these admissions of the victim, there is no justification for rejection of the application for

bail. He claimed that the Applicant has no criminal history behind her.

3. Learned APP and learned counsel for Respondent No.2 opposed the application by citing the seriousness of the crime. Learned counsel Respondent No.2 placed reliance on the judgment dated 30th October, 2015 passed in Criminal PIL No.4 of 2025 in the case of **Freedom Firm vs. Commissioner of Police, Pune & Ors.** Learned counsel drew the attention of the Court to the observations made therein in paragraphs 26 and 28.

4. There cannot be any dispute made with regard to the fact that in case the victim is found to be minor, the Applicant / accused may not be entitled to seek bail. However, that could not be the case where there is no evidence to indicate that the victim was minor. In the light of these facts, the statements of the victim before the Magistrate as recorded in the order dated 1st November, 2025, cannot be ignored. In the light of these facts and more particularly, the Applicant has no criminal history, the Special Court ought not to have rejected the application for bail. Hence this is a fit case for grant of bail. Hence the following

order :

ORDER:

- a). The Application stands allowed.
- b). The Applicant be enlarged on bail in connection with Crime No.1277 of 2025, registered with Malvani Police Station on furnishing PR bond of Rs.30,000/- with one or two sureties in the like amount to the satisfaction of the Trial Court.
- c). The Applicant not to contact victim or any other witness directly or indirectly and not to interfere into the evidence of the prosecution in any manner whatsoever.
- d). It is clarified that above observations are *prima-facie* in nature and would not bind Trial Court / parties during trial.

(R.M. JOSHI, J.)