

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

CRIMINAL BAIL APPLICATION NO.2095 OF 2026

Salman Kalbe Murtuza Shaikh

...Applicant

V/s.

The State of Maharashtra

...Respondent

Mr. Ashif Husain, for the Applicant.

Ms. S.K. Gajare, APP for the Respondent-State.

CORAM : SHYAM C. CHANDAK, J.

DATED : 09th JUNE, 2026

P.C. :-

. Present Application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeks release of the Applicant on bail in connection with F.I.R. bearing CR. No. 1003 of 2025 registered with Sakinaka Police Station, Mumbai for the offences punishable under Section 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 8 and 12 of the Protection of Children From Sexual Offences Act, 2012 on the report filed by the informant-mother of the victim boy who was 11 years old.

2) Heard Mr.Husain, learned Counsel for the Applicant and Ms.Gajare, learned APP for the Respondent-State.

3) The allegations against the Applicant are that on 23rd October, 2025 at about 18:30 hours at XYZ place, the Applicant subjected the victim boy to penetrative sexual assault. Therefore, police registered the aforesaid crime and arrested the Applicant on 24th October, 2025. After completion of the investigation, police submitted the charge-sheet for the alleged offences. The Bail Application filed by the Applicant came to be rejected by the trial Court.

4) Mr. Husain, learned Counsel for the Applicant submitted that the Applicant has been falsely implicated in the alleged crime on account of previous enmity. This fact is fortified by the inconsistency in the statement of the witnesses. The Applicant is just 21 years old and he has been behind

bars for last six months. The detention of the Applicant in jail is not required for further investigation. Therefore, the Applicant may be released on bail.

5) Ms. Gajare, learned APP, on the other hand, has submitted that there is clear narration in the report and statement of the witnesses that the Applicant has committed the alleged offences against the victim. Therefore, the Application may be rejected.

6) I have considered these submissions. In the F.I.R. as well as in the statement of the victim it is narrated that on the relevant date, at time and place the Applicant has subjected the victim to penetrative sexual assault. The medical report mentions that there was tear at the anus of the victim. Thus, the medical report supports the narration in the F.I.R. as well and the statement of the witnesses. Thus, there is a *prima facie* case against the Applicant of the alleged offences, which is serious. The release of the Applicant is likely to result in his exerting pressure on the victim's family to cause them not to state the correct facts before the Court.

7) In view thereof, at present, the Applicant cannot be released on bail. As a result, the Application is liable to be rejected and rejected accordingly.

8) The Application stands disposed of.

(SHYAM C. CHANDAK, J.)