

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
INTERIM APPLICATION NO.576 OF 2026**

**IN**

**APPEAL NO.270 OF 2026**

Farukh Akarak Shaikh

... Applicant

**V/s.**

The State of Maharashtra & Anr.

... Respondents

**INTERIM APPLICATION NO.577 OF 2026**

**IN**

**APPEAL NO.270 OF 2026**

Farukh Akarak Shaikh

... Applicant

**V/s.**

The State of Maharashtra & Anr.

... Respondents

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Adv. Anjali S. Jaiswal i/by Adv. Shatrughan Dubey for the Applicant.  
Mr. J.P. Yagnik, APP for the Respondent-State.

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**CORAM : A. S. GADKARI AND  
KAMAL KHATA, JJ.**

**DATE : 8<sup>th</sup> April, 2026.**

**P.C.:-**

1) This is an Application for suspension of sentence and releasing the Applicant on bail. The Applicant is convicted under Section 363 and 377 of the Indian Penal Code and under Section 6 of the POCSO Act and is sentenced to suffer imprisonment for life for the offence under Section 377

of the Indian Penal Code and so also, Section 6 of the POCSO Act by the learned Additional Sessions Judge, Greater Mumbai in POCSO Spl. Case No.390 of 2012 by its Judgment and Order dated 3<sup>rd</sup> October, 2019. The Trial Court has directed that, both the sentences shall run concurrently.

2) The victim herein was the son of PW-1 and on the date of alleged incident was aged about 6 years. It is the prosecution's case that, the victim went out of his house to purchase a Chocolate. He did not return to house within a reasonable period of time, therefore, search was undertaken by his father (PW-1), other relatives and the persons from the vicinity.

3) As the victim was not traced within a reasonable period, they approached the local police station and a Crime No.291 of 2015 under Section 363 of Indian Penal Code was registered against an unknown person. On the next day, in the morning one taxi driver by name Raja, who was known to the PW-1 brought the victim boy to the house of victim. The victim complained of pain to his penis and anus. The PW-1 immediately, took the victim boy to the Vadala T.T. Police Station, Mumbai. The victim was medically examined by PW-7. The PW-7 also, took the necessary samples from the body of the victim such as the semen stains, which were found on the body of victim boy, the inner anal mucosa swab and pereniam swab. The said samples were sent for chemical analysis. In the meantime, on receipt of confidential/secret information, the Investigating Officer

arrested the Applicant. CW-1 conducted DNA profiling on the said samples collected by PW-7. The DNA of the said samples matched with the DNA of the Applicant.

4) Learned counsel appearing for the Applicant submitted that, the person Raja, who traced the victim boy has not been examined by the prosecution. She submitted that, the Applicant was already in Vadala T.T. Police Station in some other crime and has been falsely implicated in the present crime.

5) Perusal of the record *prima facie* indicates that, the alleged offence against the Applicant is heinous in nature. *Prima facie*, there is sufficient corroboration by way of the various reports conducted by the forensic science laboratories, which point the finger of guilt towards the Applicant as the author of the present crime.

6) In view of the above, we are not inclined to release the Applicant on bail during the pendency of the Appeal.

7) Applications are accordingly dismissed.

8) As the Applicant is behind bars for about 10 years, we direct that, Registry to list the Appeal of the Applicant on 'Final Hearing Board' for the week commencing from 4<sup>th</sup> May, 2026.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)