



**IN THE SPECIAL COURT FOR PROTECTION OF CHILDREN
FROM SEXUAL OFFENCES ACT, 2012 AT GREATER BOMBAY**

**POCSO BAIL APPLICATION NO. 306 OF 2026
(CNR NO. MHCC020047162026)**

Samad Mohd. Nasim Shaikh)
Age :- 24 years, Occ. :-)
Residing at- Babu Bhai Chawl,)
Behind Seven Hall Mankhurd,)
Mankhurd Link Road, Mankhurd,)
Mumbai-400 043.) ... Accused

Versus

The State of Maharashtra)
(Through Mankhurd Police Station)) ... Respondent

Appearance :-

Ld. Adv. Shri S.C. Kewat for Accused.

Ld. SPP. Smt. S.S. Shamkuwar for State / Respondent.

**CORAM : H. H. THE SPECIAL JUDGE
SMT. SUREKHA A. SINHA
Special Judge under POCSO Act,
Court Room No. 36,**

DATED : 02.04.2026.

ORDER

Accused has filed the present application for getting the regular bail as per Section 483 of BNSS by stating that he was arrested on 23.02.2026 in connection with the crime registered in Mankhurd Police station bearing No. 228 of 2024 under Sections 363, 376, 376(2) (n), 506(2), 323 read with Section 34 of IPC and under Sections 4, 6, 8, 10, 18 of POCSO Act and under Sections 9, 10, 11 of Prohibition of

Child Marriage Act. He has submitted that he is an innocent person and not committed any crime. Victim herself left the house. Complainant is father of victim who is working as Security Guard. On 15.06.2024 at about 9.00 am, complainant left the house for his duty. Then his wife informed that victim is not found and she left the house without informing anybody. They have taken the search but she was not found and on the suspicious ground, complaint came to be filed. To that respect, accused is arrested. He is falsely implicated in the present crime. Age of the victim is shown as 16 years. She is able to understand everything. It appears that her age is 18 years and after marriage with the applicant, she delivered male child on 24.06.2025. After lapse of the period of two years, accused is arrested. Now victim is major. Accused is ready to co-operate investigation and ready to abide any terms and conditions imposed by the Court. Therefore, he prays for the bail.

2. Called Say of IO, SPP and victim. Investigation officer has filed reply vide Exh. 02 and submitted that nature of offence is serious. Accused took her at Bihar. Despite of having knowledge that she is a minor girl, performed marriage with her and forcibly kept physical relation with her and due to that, she became pregnant and delivered a child. Further, he has submitted that most of the investigation is completed but charge sheet is yet to be filed. If accused released on bail, there is chances of his absconding. Therefore, he prays for rejection of bail. Ld. SPP adopted the same reply.

3. Victim girl has filed her reply at Exh. 03 and submitted that not to release the accused on bail.

4. Read application and Say. Heard both the advocate. I have gone through the entire papers. It appears that age of the victim girl mentioned as 16 years. On 15.06.2024, father of victim girl filed a complaint that without informing, his daughter left the house. On 11.02.2026, victim girl appeared in the police station alongwith her mother and given a statement that accused took her at Bihar and performed marriage with her and because of that she became pregnant and delivered a child. After lapse of 1½ months, she appeared before the police. Accused arrested on 23.02.2026. Since more than 40 days, he is behind the bar. As she attained the age of understanding which shows that she was having knowledge of consequences. She herself left the house, performed the marriage with accused and delivered child. Furthermore, it appears that most of the investigation is completed and only charge sheet is yet to be filed. Therefore, I am of the view that in this situation, further detention of accused behind the bar is not necessary. Therefore, said application deserves to be allowed. Hence, I pass following order -

ORDER

1. Bail Application POCSO No. 306 of 2026 is hereby allowed.

2. Accused **Samad Mohd. Nasim Shaikh** in Crime No. 228 of 2024 registered with Mankhurd Police Station for the offense punishable under Sections 363, 376, 376(2)(n), 506(2), 323 r/w 34 of IPC, under Sections 4, 6, 8, 10, 18 of POCSO Act and under Sections 9, 10, 11 of the Prohibition of Child Marriage Act, be released on furnishing a PB and SB of

POCSO BA No. 306-2026 : 4 :

Rs. 15,000/- (Rupees Fifteen Thousand) with condition that not to tamper the prosecution witnesses and to co-operate the investigation and to attend the Court regularly.

3. Prayer of provisional cash bail is hereby rejected.



(SUREKHA A. SINHA)
Special Judge under POCSO Act,
Court Room No. 36, Gr. Bombay.

Date - 02.04.2026.

Dictated on : 02.04.2026.
Transcribed on : 04.04.2026.
Checked and Signed on : 04.04.2026.

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

04.04.2026 at 12.55 pm

(Y.M. SAKHARKAR)

UPLOAD DATE AND TIME

NAME OF STENOGRAPHER

Name of the Judge (With Court room No.)

SMT. SUREKHA A. SINHA
(C.R. No. 36)

Date of Pronouncement of ORDER

02.04.2026

ORDER signed by P.O. on

04.04.2026

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