



**IN THE COURT OF SPECIAL JUDGE AT
PANVEL, DISTRICT- RAIGAD**

SPECIAL CASE NO.271/2025

The State of Maharashtra

--- Prosecution

Vs.

Farooq Allahuddin Shaikh & Anr.

--- Accused

Corum - Santosh C. Shinde

Date – 18th April 2026

Appearance-

Ld. advocate Mr. Anurag Mishra for the accused No.1.

Ld. Spl. P. P. Smt. Thalkar for the State of Maharashtra.

Ld. advocate Mr. Bhujang for intervenor.

Order below exh.10

1. Heard Ld. advocate Mr. Anurag Mishra for accused No.1, Ld. Spl. P. P. Smt. Thalkar for the State & Ld. Advocate for intervenor.
2. This application is filed by accused No.1 **Farooq Allahuddin Shaikh** for regular bail.
3. Notice was issued to victim, State of Maharashtra & Investigation officer. As say was not filed, on 2nd March 2026 no say order was passed. Thereafter, on same day at exh.22 say is filed by the State. Prosecution has strongly objected the

bail application. Ld. advocate for intervenor has filed written arguments at exh.27

4. Perused record.
5. FIR shows that Anti-Human Trafficking Branch of Crime Branch, Navi Mumbai received credible information that one women in Koprugaon, Kharghar used to send her minor daughter for prostitution to one person in a building in Taloja. Raid was conducted and in raid, minor victim was found in the house of accused No.1. Victim informed to police that one Heena Didi had brought her there. She narrated that accused No.1 has committed penetrative sexual assault on her and used to do so for long time.
6. FIR further shows that thereafter, incriminating articles were seized from spot and team went to the house of accused No.2 Upon inquiry, accused No.2 told to police that accused No.1 has given Rs.2.5 Lakhs to her as heavy deposit to give it to owner of the flat in which she & minor victim are residing therefore, she was sending minor victim to the house of accused No.1. Thereafter, FIR is registered.
7. Ld. advocate for accused No.1 submitted that accused No.2 is released on bail. FIR is lodged maliciously & veraciously. Concocted story is created. Application of provisions of Immoral Traffic Act is wholly misconceived & legally untanable. Accused is illegally arrested. No case is made out against the accused.
8. Ld. advocate for accused No.1 further submitted that accused No.1 had given Rs.2,50,000/- to accused No.2 which amount

was demanded by him therefore, this false case is registered. Medical reports are nil. Accused No.1 is 78 years old and foreign national. In charge-sheet there is no evidence against him. Charge-sheet is filed. Investigation is completed and further custody of accused No.1 is not required. Accused No.1 has ready to abide by any condition.

9. Ld. Spl. P. P submitted that accused No.1 is involved in the offence and he has mentally & physically harassed the victim. Victim was found with accused No.1. Sex toys were found on spot. Photograph of victim was found in mobile phone of accused No.1. Medical report are positive. Accused No.1 is British national therefore, he may abscond and may not be available for trial. He may tamper and threaten the witnesses.
10. Ld. Spl. P. P has relied upon judgment of Hon'ble Supreme Court in **Manisha Vs. State of Rajasthan & Anr. [Cri. Appeal No.649/2022 (Arising out of SLP (CRL.) No.7893/2021) decided on 19/04/2022]**.
11. Ld. advocate for intervenor has relied upon judgment of Hon'ble Supreme Court in **Ram Govind Upadhyay Vs. Sudarshan Singh & Ors. [(2002) 3 SCC 598]** , **State of Bihar Vs. Rajballav Prasad @ Rajballav Prasad Yadav [(2017) 2 SCC 178]** and judgment of Hon'ble Bombay High Court in **Mayur Raja Wankhede Vs. The State of Maharashtra & Anr [B.A.No.879/2025 decided on 02/07/2025]**, **Freedom Firm Vs. Commissioner of Police, Pune [MANU/MH/3295/2025]** & **Bithibegum Mustakin Khan @ Bithi Babu Gazi Vs. The State of**

Maharashtra [Bail Application No.1074-2025 decided on 17/7/2025].

12. If nature of allegations against accused No.1 is considered then it is alleged that for last 2 years he was visiting India and he was residing in Navi Mumbai. It is alleged that between 17th October 2025 to 28th October 2025 he intoxicated victim and committed penetrative sexual assault & sexual harassment of victim.
13. It is further alleged that accused No.2 had sent victim to the house of accused No.1 as she had taken Rs.2,50,000/- from accused No.1 for giving deposit to room owner of accused No.2. It is alleged that accused No.1 was providing monthly ration to accused No.2 therefore, accused No.2, was sending victim to house of accused No.1.
14. Record shows that upon credible information raid was conducted on the house of accused No.1 and victim was found in his house. Incriminating articles viz. liquor bottles, sex power tablets & sex toys were found in the house of the accused No.1. Police have seized those articles when raid was conducted. Mobile phone of accused No.1 is also seized.
15. Record shows that accused No.1 is British national and used to visit India frequently. It is contention of accused No.1 that he had given Rs.2,50,000/- to accused No.2 and when that amount was demanded this false case is registered against him. At present there is nothing on record that accused No.2 had given any information to police to conduct the raid on house of accused No.1.

16. If nature of allegations against the accused No.1 & 2 is considered then allegations are serious in nature. When offence was committed victim was 10 years old which makes offence more serious. Incriminating articles found in the house of accused No.1 raises doubt about theory put up by present accused.
17. Record shows that accused No.2 is released on bail. Investigation of the crime completed and charge-sheet is filed. Now, questions arise whether only for reason that accused No.1 is British national his bail application can be rejected for that sole count.
18. I am of the view that this should not be sole reason for rejecting bail application. Accused No.1 was arrested on 30/10/2025 and since then he is behind bars. Now, no recovery or discovery is pending against him. No doubt, offence is serious in nature but bail is rule and jail is exception. Object of bail cannot be ignored. Bail cannot be withheld as punishment.
19. It will take time to commence & conclude the trial therefore it would not be proper to keep accused behind bars for indefinite period otherwise it will amount to pre-trial conviction. Accused No.1 can be released on bail by imposing certain conditions. As a result, I pass the following order.

ORDER

1. Application is allowed.
2. Accused Farooq Allahuddin Shaikh be released on bail on furnishing P.B. & S.B. of Rs.2,00,000/- (Rupees Two Lakhs only) with

one or two sureties in like amount in crime No. 367/2025 registered at Taloja Police Station, Navi Mumbai for offences punishable u/s.64, 65(2), 351(2) r/w 3(5) of the BNS, 2023, u/s.4, 6 & 17 of the POCSO Act & u/s.4 & 5 Immoral Traffic (Prevention) Act, 1956, if he is not required in any other offence.

3. Accused shall deposit his passport before the Trial Court.
4. Accused by any mode of communication shall not contact to victim or her family members and till further orders, he shall not enter the area of Navi Mumbai as well as area where victim & her family members ordinarily reside or works for gain.
5. Accused shall not, directly & indirectly, make any inducement, threat or promise to any person acquainted with facts & circumstances of case so as to dissuade him from disclosing such facts to the police & Court.
6. Accused shall not leave India without previous permission of the Trial Court.
7. Accused shall furnish his permanent & temporary residential proof, valid e-mail ID and mobile number.
8. Registry is directed to inform accused about this order by e-mail.

(Application is disposed of accordingly)

Panvel
Date - 18/04/2026

(Mr. S. C. Shinde)
Special Judge, Panvel
Dist.-Raigad