

MHTH010003092026



**In the Special Court (under POCSO Act ), Thane  
( Presided over by R.U. Malvankar, I/c. Special Judge ( under  
POCSO Act ) and Addl. Sessions Judge, Thane)**

**Criminal Bail Application No.90/2026**

**Shaikh Zainal Yusuf Ali alias Zainal Shaikh .. Applicant**

**V/s.**

**State of Maharashtra .. Opponent**

**ORDER BELOW EXH.1**

This is an application for grant of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with C.R. No.562/2025 registered with Kashimira Police Station under Sections 78,79 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as the “BNS), Sections 8,12 of the Protection of Children From Sexual Offences Act, 2012 (hereinafter referred to as the “POCSO Act”).

2] As per the case of prosecution on 24.12.2025 the victim aged 7 years 5 months was playing in the passage of their building when the accused was seen calling the victim to his residence and later the victim told her mother that around 15 days ago also the same boy had taken her to his residence under the pretext of giving

her chocolate and made her sit on the bed and thereafter went to washroom. Since the victim got scared, she ran away from there. In this background the FIR came to be registered and the accused has been arrested on 24.12.2025 and preferred this application inter alia contending that he has nothing to do with the offence and has been falsely implicated and that he was seen on the staircase of the building which is used for coming to the flat and going down the building and he has been made a scapegoat in this case. He has also raised the ground that even in FIR there is no allegation that the complainant has seen the accused touching the girl playing on the staircase. He has also raised the ground that the complainant has to take care of her girl about her whereabouts and if the girl was playing on the staircase which is a public place which further shows that if the children played on the public place the other people should not walk from the said place or otherwise they will be booked for an incident like the present case. He has contended that he is ready and willing to co-operate the investigation and has deep roots in the society and is not likely to abscond. The applicant undertakes to abide by the terms and conditions that may be imposed.

3] Learned A.P.P. has objected the grant of application contending that the victim is merely 7 years old and the investigation is in progress and release of the accused on bail is likely to tamper with evidence.

4] Investigating Officer has filed reply at Exh.6 inter alia contending that applicant has committed a serious offence and the victim is still under stress and there is possibility that accused may

pressurize the victim and may tamper with evidence and may commit similar other offence.

5] Husband of the first informant has filed reply at Exh.8 and has inter alia giving his 'no objection' for grant of bail.

6] Heard both sides at length.

7] Ex facie, the offence is not punishable with death or life imprisonment. Prima facie on the basis of the allegations levelled in FIR no offence appears to have been made out under POCSO Act. There are no criminal antecedents reported against the accused. The accused who is a young person is already in jail since 24.12.2025. Investigation is complete and charge-sheet has been filed. Hence, no purpose will be served by detaining the accused further behind bars and therefore application deserves to be granted as under. Hence, the order.

### **ORDER**

1] Criminal Bail Application No.90/2026 for regular bail is allowed.

2] Applicant/accused **Shaikh Zainal Yusuf Ali alias Zainal Shaikh** be released on bail on furnishing P.R. bond of Rs.15,000/- (in words Fifteen Thousand Only) with one surety in the like amount in C.R. No.562/2025 of Kashimira Police Station.

3] Applicant shall file on record the authentic proof of residence - both permanent and present and his active mobile number.

4] Applicant shall not directly or indirectly make any inducement, threat or promise to the victim, witnesses or any other person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court.

5] The applicant shall not repeat the offence or commit any other offence.

6] The applicant shall regularly attend the Court and cooperate the trial and be represented by a duly instructed legal practitioner.

7] The soft copy of this order shall be sent to the accused by e-mail through the Jail Superintendent, as per directions of the Hon'ble Supreme Court of India in the case of In Re Policy Strategy for grant of bail in SMWP (CRIMINAL) No.4/2021 dated 31.1.2023.

Thane.  
Date: 17.03.2026

( R. U. Malvankar)  
I/c Special Judge (under POCSO Act)  
and Additional Sessions Judge,  
Thane