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

BAIL APPLICATION NO. 882 OF 2017

Mr. Anwar Fakir Mohammad Klahlfey	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

Ms. Priyanka Dubey a/w. Radha Agnewal for the Applicant.
Ms. P. P. Shinde, APP for the Respondent-State.

CORAM : A.S. GADKARI, J.
DATE : 5th MAY, 2017.

P. C. :

1. This is an application under Section 439 of the Code of Criminal Procedure for bail in C. R. No. I-14 of 2017 registered with Rabodi Police Station under Section 354-A of the Protection of Children from Sexual Offences Act.
2. The First Information Report is lodged by the father of the victim girl who is aged about 13 years. It is the case of the prosecution that the applicant was working as a teacher in the school where the victim girl was a student. That, on the date of incident the applicant called the victim girl near him and committed an act as contemplated under Section 354-A of the Indian Penal Code. That, during the course of investigation the applicant is arrested on 21.01.2017. After the completion of investigation, the police have submitted charge-sheet on 09.03.2017.
3. A perusal of the charge-sheet would reveal that three other

girl students, who were also present in the said classroom, have stated that the applicant victim girl and her friends (witnesses) were chitchatting on the last bench of the classroom and therefore the applicant called victim and gave a slap on her back. It, prima facie, appears that the version narrated by the first informant is not corroborated by the other three eyewitnesses. It further appears to be improbable that the applicant would indulge into the act as alleged, in the classroom and in the presence of the other girl students. In that view of the matter, the applicant is entitled to be released on bail.

Hence, the following order:

- (i) The applicant be released on bail in C. R. No. I-14 of 2017 registered with Rabodi Police Station on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- (ii) After his release, the applicant shall attend Rabodi Police Station on first Monday of the month between 11.00 a.m. to 1.00 p.m.
- (iii) The applicant shall attend all the dates before the trial Court.
- (iv) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (v) The application is allowed in the aforesaid terms.

[A. S. GADKARI, J.]