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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1378 OF 2021**

Arbaaz Lal Makrani @ Mohammad Arbaaz
Mohammad Makrani

....Applicant.

V/s

The State of Maharashtra

.....Respondent

Mr. Khwaja Shaikh a/w Mr. Abhay Dolas for the Applicant.
Mrs. J.S. Lohokare, APP for the Respondent/State.

CORAM: NITIN W. SAMBRE, J.

DATE: OCTOBER 06, 2021

P.C.:-

1] Heard.

2] Applicant is seeking regular bail after having arrested on 16/9/2020 in Crime No. 422 of 2020 registered with D. N. Nagar Police Station, Mumbai for the offence punishable under Sections 376, 377, 420, 323, 504, 506 of the Indian Penal Code. Applicant is already chargesheeted. There are no criminal antecedents against the Applicant.

3] It appears that after investigation was set in motion, victim girl refused to undergo medical examination and as such there is no medical evidence available against the Applicant at the behest of the complainant. Apart from above, it has to be noted that statement of

the victim was not recorded under Section 164 of the Cr.P.C, perhaps the complainant herself has not cooperated with the Investigating Officer. Applicant therefore deserves to be released on bail.

4] Applicant is directed to be released on bail in Crime No. 422 of 2020 registered with D.N. Nagar Police Station, Mumbai for the offence punishable under Sections 376, 377, 420, 323, 504, 506 of the Indian Penal Code, on execution of P.R. Bond in the sum of Rs 15,000/- with one or more sureties in the like amount. Applicant shall neither tamper with the evidence nor try to directly or indirectly influence the prosecution witnesses and complainant.

(NITIN W. SAMBRE, J.)

Corrected as per order dated 11/10/2021.