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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2246 OF 2021**

CHANDRAKANT BHISAJI PARAB

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

Mr. Abdeali Kothawala i/b Anjali Patil for the applicant

Ms. Sharmila S. Kaushik APP for the State

Ms. Shaba N. Khan for intervener

CORAM : NITIN W. SAMBRE, J.

DATE: NOVEMBER 25, 2021.

P.C.:

1] Applicant is seeking regular bail in C.R. No. 1190/2020 registered with Samtanagar Police Station for offence punishable under Sections 354, 354(A) of the Indian Penal Code and under Sections 8 & 12 of the Protection of Children from Sexual Offences Act, 2012.

2] Prosecution case is, applicant, a neighbour carried out sexual assault on the victim girl.

3] Learned APP assisted by counsel for the complainant would urge that there is enough medical evidence to infer aggravated sexual assault. Medical evidence is sought to be relied on for the same. It is further claimed that applicant is neighbour of the victim and there is every chance that applicant will influence the witnesses.

4] Considered submissions.

5] Applicant is charge-sheeted for for offences punishable under Sections 8 & 12 of the POCSO Act r/w 354 and 354(A) of the Indian Penal Code which is punishable for 5 years. Applicant was arrested on 01/10/2020 and suffered incarceration for last more than 14 months as against the maximum punishment.

6] In the aforesaid background and having regard that there are no antecedents against the applicant, case for bail is made out.

(i) Applicant be released on bail in C.R. No. 1190/2020 registered with Samtanagar Police Station for offence punishable under Sections

354, 354(A) of the Indian Penal Code and under Sections 8 & 12 of the Protection of Children from Sexual Offences Act, 2012 upon furnishing P.R. bond in the sum of Rs. 15,000/- with one or two sureties in the like amount.

(ii) Applicant shall neither influence witnesses in any manner nor tamper with evidence.

(iii) Applicant shall not directly or indirectly contact the victim girl or her parents.

(iv) Till the conclusion of trial, applicant shall remain outside the jurisdiction of the police station.

(v) Applicant shall regularly attend the trial on given dates. Upon two consecutive failures to attend the trial, Trial Court and/or prosecution will be at liberty to take out proceedings for cancellation of bail.

7] Application stands disposed of.

[NITIN W. SAMBRE, J.]

IRESH
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MASHAL

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