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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3648 OF 2021**

ARBAAZ ABDUL QADIR KHAN

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA
AND ANR

.....RESPONDENTS

Ms. Saima Ansari for the applicant
Mr. Ajay Patil APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: DECEMBER 9, 2021.

P.C.:

1] Applicant is seeking regular bail in C.R. No. 07/2020 registered with Narpoli Police Station for Offences punishable under Sections 377, 506 and 324 of the Indian Penal Code and under Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

2] Prosecution story is, victim boy was sexually assaulted by the applicant. The allegations are of penetrative sexual assault. Apart from absence of medical evidence, the incident claimed to have

occurred at a public place i.e. in the passage of a public toilet.

3] As such, the circumstances narrated in the prosecution story does not repose confidence in the prosecution story to continue further detention of the applicant.

4] As such, case for bail is made out.

(i) Applicant shall be released on bail in C.R. No. 07/2020 registered with Narpoli Police Station for Offences punishable under Sections 377, 506 and 324 of the Indian Penal Code and under Sections 4 & 6 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 more sureties in the like amount.

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

(iii) Applicant shall stay away from the jurisdiction of the concerned police station till framing of charge.

5] Application stands disposed of.

[NITIN W. SAMBRE, J.]