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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPEAL NO.702 OF 2022

1. Mohammad Irfan Mohammad
Ayam, aged about 24 years,
occupation labour.

2. Faimoddin Gyasoddin Kazi,
aged about 24 years, occupation labour.

Both r/o Dehani, taluka Arni, district
Yavatmal. (Presently in jail). **Appellants.**

:: V E R S U S ::

1. State of Maharashtra,
Through Police Station Officer,
Police Station Arni, District Yavatmal.

2. XYZ (In Crime No.460/2022)
Registered by PSO PS
Arni, district Yavatmal. **Respondents.**

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Shri Sajid Varshani, Counsel for Appellants.
Shri S.G.Karmarkar, Counsel for Respondent 2.
Shri M.J.Khan, Additional Public Prosecutor for the State.

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CORAM : **ROHIT B.DEO & URMILA JOSHI-PHALKE, JJ.**

DATE : **16/12/2022**

ORAL JUDGMENT (Per : Rohit B.Deo, J.)

1. The challenge is to order dated 29.9.2022 rendered by learned Additional Sessions Judge, Darwha refusing bail in Crime 460/2022 registered with Police Station Arni, district Yavatmal for offences punishable under Sections 363, 466, 366-A, and 212 read with Section 34 of the Indian Penal Code and under Section 376(2) (n), and 506 along with Sections 4 and 6 of the Protection of

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Children from Sexual Offences Act, 2012 (POCSO Act) and under Sections 3(2)(v-a), 3(2)(v)m, 3(1)(w)(i)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocity) Act.

2. The allegation is that co-accused Aadil abducted seventeen-year-old daughter of the informant and established physical relationship with her. The role attributed to the appellants is of assisting said Aadil.

3. The co-ordinate bench granted *interim* bail vide order dated 28.10.2022.

4. It is not the case of the prosecution that conditions of bail are not complied with.

5. We are satisfied that a case for confirmation of the *interim* bail is made out, considering the limited role attributed to appellants.

6. The *interim* bail dated 28.10.2022 is made absolute.

(URMILA JOSHI-PHALKE, J.)

(ROHIT B.DE0, J.)

!! BrWankhede !!

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