

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1170 OF 2022

Bobby @ Arnold Chandrakant Dinkar ...Applicant
V/s.
State of Maharashtra and anr. ...Respondents.

Mr. Sujay H. Gangal a/w. Mr. Ritvik Joshi for the Applicant.
Mr.S.S. Hulke, APP for the Respondent/State.
Ms Shraddha Sawant for Respondent No.2.

CORAM : N.R. BORKAR, J.
DATE : 16.01.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.305 of 2021 registered at Pimpri Police Station, Pimpri-Chinchwad for the offences punishable under Sections 143, 145, 149, 377, 363, 343, 289, 323, 324, 504, 506 of the Indian Penal Code and Sections 4 and 8 of the Protection of Children from Sexual Offence Act, 2012.
3. The allegations against the present applicant and other co-accused are that on the date of alleged incident they picked up the victim boys from Bharat Nagar, Pimpri, Pune suspecting that they had come there to commit theft and then took them to River-road, Pimpri Pune. It is alleged that there they assaulted them by waist belt and told them to rub Zandu Balm on their private parts.

4. I have heard the learned counsel for the applicant, the learned APP for the respondent – State and the learned counsel for the respondent No.2.

5. I have perused the statements of victims. The victims have not attributed any *overt-act* to the present applicant. However, according to one of the eye-witnesses namely Bhavesh Sirvani, the present applicant assaulted the victims by chappal.

6. The applicant is in jail for more than 1 and $\frac{1}{2}$ years. There are no criminal antecedents. Considering these facts and as the victims have not attributed any *overt-act* to the present applicant, I am inclined to release him on bail. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail in C.R. No.305 of 2021 registered at Pimpri Police Station, Pimpri-Chinchwad for the offences punishable under Sections 143, 145, 149, 377, 363, 343, 289, 323, 324, 504, 506 of the Indian Penal Code and Sections 4 and 8 of the Protection of Children from Sexual Offence Act, 2012 on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month i.e., on Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

D] Needless to mention that the applicant shall not tamper with the evidence.

[N.R.BORKAR, J.]