



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 2131 OF 2023

VISHAL ARUN THOKAL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Rajendra S. Kasar, Advocate for Applicant

Mr. S.P. Sonpawale, APP for Respondent No.1/State

Mr. Pratik Kothari, Advocate h/f Mr. Abhijit G. Choudhari, Advocate
for Respondent No.2

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 29th APRIL, 2024

PER COURT :

1. Applicant apprehends arrest in C.R. No.851/2023, registered with Tophkhana Police Station, Dist. Ahmednagar, for offence punishable under Sections 354,-A, 354-D and 506 of Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act.

2. Informant is mother of victim, who has lodged FIR alleging that, though victim is resident of another village, she came in the city to reside with her grandmother as she was having school vacation. On 06/06/2023, at about 07:00 a.m. when victim was doing morning walk, accused/applicant was stalking her on his motorcycle. She noted the number of motorcycle. On the next day, applicant continued his act and insisted to give him her mobile number. As she was frightened, she went back to her grandmother's

house. On 11/06/2023 at about 12:30 noon, when she had been to Mahadev temple, applicant on another motorcycle stalked her. He came near her and insisted for her mobile number by expressing his likeness towards her. Applicant then got down from his vehicle, held victim by her hand and dragged her towards him and kissed her, and thereby outraged her modesty. He, then threatened to harass her repeatedly if she tells the incident to anybody.

3. Heard learned advocate for applicant, learned APP for respondent No.1/State and learned advocate for respondent No.2. Perused the investigation papers.

4. Applicant claims to be innocent. According to him, his mother had lodged FIR in the year 2020 against Dipak Sawant, Tushar Thorave, Gajanan Sawant and four to five unknown persons, which was registered at C.R. No.7702/2020, with Tophkhana Police Station, for offence punishable under Sections 354, 435, 427, 324, 323, 143, 147, 149, 504 and 506 of I.P.C. So also, applicant lodged FIR on 06/06/2023 with Tophkhana Police Station, against Dipak Sawant, Gajanan Sawant and two unknown persons, which is registered at C.R. No.827/2023, for offence punishable under Sections 324, 504, 506, 341 r/w 34 of I.P.C. Therefore, with a view to give counterblast to both these FIRs and to pressurise family of applicant, he is falsely implicated in present crime.

5. Remand report in C.R. No.1028/2023, registered with Newasa Police Station, Dist. Ahmednagar, for offence punishable under Sections 302, 307, 143, 147, 148, 149, 120-B of I.P.C. and Sections 4/25 of the Arms Act, against 1. Shekhar Ashok alias Khandu Satarkar, 2. Ashok alias Khandu Kisan Satarkar, 3. Dipak Sawant, 4. Mauli alias Arun Dattatray Ganage, 5. Ishwar Pathare and 6. Jalindar Birute, is relied upon by applicant to show that Dipak Sawant is related to father of victim/husband of informant. There appears substance in contention of applicant that, since informant is related with Dipak Sawant and as applicant, so also, his mother have lodged report against Dipak Sawant, present FIR is lodged to settle the score.

6. Allegation made in the FIR that, at 12:30 Hours nobody else has witnessed the alleged incident though it had taken place in public place, is *prima facie* unbelievable. Be that as it may. Considering the allegations made in the FIR, *prima facie*, possibility of false implication cannot be ruled out at this stage. Nothing is to be recovered from applicant. Hence, his pre-trial custodial detention is not necessary.

7. In the result, application is allowed by confirming interim protection granted to appellant by order dated 22/12/2023.

8. Till filing of charge-sheet, applicant shall attend

concerned police station as and when called by investigating officer and shall co-operate in the investigation. Applicant shall not tamper prosecution evidence.

9. Applicant shall not enter the village wherein informant and victim are residing, till the trial is over.

(NITIN B. SURYAWANSHI, J.)