



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 ANTICIPATORY BAIL APPLICATION NO. 282 OF 2025

VIPUL PRAVIN ALIAS BALASAHEB KALASKAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Bolkar Yogesh B.

APP for Respondents 1 & 2 : Mr. A.A.A. Khan

Advocate for Respondent 3 : Mrs. Sarita Gaikwad (appointed)

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CORAM : ARUN R. PEDNEKER, J.

DATE : 18/03/2025

PER COURT :

1. Heard the learned counsel for the applicant, the learned APP for the respondents-State and Mrs. Sarita Gaikwad, learned counsel appointed for respondent No. 3.
2. The applicant is apprehending arrest in connection with Crime No. 586/2024 dated 31.12.2024 registered with Ashti Police Station, Tal. Ashti, District Beed for the offences punishable under sections 354, 354-A, 354-D, 504, 506, 376 of I.P.C. and under sections 4, 6, 8, 12 of the Prevention of Children From Sexual Offences Act, 2012.
3. This Court by order dated 6.3.2025 has granted interim protection to the applicant by noting submissions at para 3 to 7, as under :-

"3] The allegation against the applicant is that in the year 2022, when the victim was studying in junior college, the applicant used to follow her and used to threaten her. In December, 2023, when the victim was going out of the College, applicant – accused pulled her at the gate of her college and asked her to come with him in Hotel. She refused to go with him. Thereafter in January, 2024, the applicant invited her for his birthday in Hotel Rich Diamond by giving threat to her, if she will not come, he will defame her. Due to fear of the applicant, victim girl went to the said

Hotel. No one was present there. The applicant – accused forcefully maintained physical relations with her and the applicant recorded video and when she raised the shouts, the applicant threatened her to viral her video. The informant thereafter married. Due to aforesaid video, the applicant maintained physical relations with the informant. As such, the informant along with her husband went to the police station and lodged the FIR against the present applicant on 31.12.2024.

4] The learned counsel for the applicant submits that the applicant and informant were knowing each other from the year 2022 and the incident, as alleged in the FIR, has not happened between them. He further submits that the informant (victim) got married with somebody else prior to 6 and 7 months. On 01.10.2024, the informant made a phone call to the applicant and requested to pay Rs.5000/-. The applicant refused to pay the said amount, since the applicant recently joined the company and since he was not having the amount to pay the informant. Therefore, the informant did not make any phone call to the applicant. It is further submitted that on 02.10.2024, the applicant came to know that the informant left the house without intimating to the family members and the missing complaint is lodged at Ashti Police Station. It is further submitted that on 06.10.2024, when the applicant was sleeping, the family members of the informant asked the whereabouts of the informant. They took the applicant to Ashti in their vehicle and assaulted the applicant and handed over the applicant to the father of the applicant. On the basis of the said allegation, the FIR is lodged by the applicant against the accused persons on 08.10.2024. He produced injury certificate which indicates that the applicant has suffered two grievous injuries and 7 simple injuries. He further submits that to counter the said FIR lodged by the applicant, the present FIR is lodged against the present applicant on 31.12.2024.

5] The learned APP has produced statement of the informant recorded under Section 164 of Criminal Procedure Code and in the said statement, the informant has narrated the incident which has taken place in January, 2024 and there is no mention about the threats given on the basis of subsequent video recording in the said statement.

6] The learned counsel for the applicant submits that he would surrender his mobile to the investigating officer. He further submits that he has not deleted any data from the mobile.

7] In the statement under Section 164 of the Criminal Procedure Code, the informant has narrated the incident which has taken place in January, 2024 and there is no mention about subsequent threats given on the basis of video in the said statement. The incident of 2024 as alleged, if so, would be ascertained from the mobile of the applicant. Considering the same, the applicant is granted interim protection in the following terms :-"

4. The learned counsel for the applicant submits that the applicant has cooperated with investigation and he has surrendered his mobile phone to I.O. The learned counsel submits that medical examination of the applicant is also conducted.

5. For the reasons given in the order dated 6.3.2025 and considering that the applicant has cooperated with investigation and also fact that the learned APP today shows that the applicant and the respondents were in communication with each other, interim protection granted by order dated 6.3.2025 can be confirmed.

6. In view of the above, the application is allowed and the interim protection granted on 6.3.2025 is confirmed on the following terms :

i] The applicant shall attend the police station as and when required.

ii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicant shall co-operate with the investigation and also in

the proceedings before the trial Court.

7. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

8. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9. The application stands disposed of.

10. Fees of Rs.10,000/- be paid to Mrs. Sarita Gaikwad, learned counsel appointed for respondent No. 3 by the Legal Services Sub Committee, High Court Bench at Aurangabad.

[ARUN R. PEDNEKER, J.]

SSC/