



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

BAIL APPLICATION NO. 126 OF 2026

DINESH DATTU THORAT

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Mukul S. Kulkarni

APP for Respondent No.1 : Mr. D. B. Bhangé

Advocate for Respondent No.2 : Ms. Gayatri K. Sonawane

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 23-02-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.0246 of 2025 dated 25.10.2025 registered with Sakri Police Station, District Dhule, for the offences punishable under Sections 103(1), 137(2) and 3(5) of the *Bhartiya Nyaya Sanhita, 2023* and Section 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012. In the said crime, the applicant was arrested on 25.10.2025. Upon completion of the investigation, the chargesheet has been filed on 22.12.2025.

2. The prosecution case is that on 22.10.2025, the informant's younger daughter, the victim, visited a local fair in the company of her elder sister and brother-in-law. Approximately at 21:00 hours, while the sister and brother-in-law boarded a giant wheel ride, the victim remained waiting on the ground. Upon the conclusion of the

ride, the relatives discovered the victim was missing and immediately alerted the informant via telephone.

3. Shortly thereafter, the informant's son-in-law received information regarding an injured girl found lying near Hotel Rajasthani, situated near the Icchapur Toll Plaza. Upon reaching the site, learnt that the girl had been shifted to the Rural Hospital, Sakri, by an ambulance. The informant subsequently reached at the hospital and identified the girl as her daughter. Due to the critical nature of her injuries, the victim was referred to the Civil Hospital, Dhule, where she was later declared dead.

4. Investigation by the informant's family revealed that at approximately 22:30 hours on 22.10.2025, the accused Dinesh Dattu Thorat kidnapped the victim and transported her away on a motorcycle toward Dhule. It is alleged that after the kidnapping, the accused Dinesh abandoned the victim in a severely injured condition on the road near Hotel Rajasthani. The other accused persons, namely Rakesh Nana Marnar, Tushar Marnar, and Sanil Shiva Thorat, are alleged to have actively assisted and conspired with Dinesh Thorat in the abduction of the victim. Consequently, the F.I.R. was lodged on 25.10.2025.

5. Learned counsel for the applicant submits that the alleged incident took place on 22.10.2025, yet the F.I.R. was lodged on 25.10.2025. This three-day delay remains entirely unexplained. It

is the case of over-implication. The prosecution case is primarily premised on circumstantial evidence. The prosecution claim that the accused was "seen" taking the victim on a motorcycle at 22:30 is based on information purportedly received later, with no independent eye-witnesses identified to corroborate this specific act. The investigation is complete and the charge-sheet is also filed. Nothing remains to be recovered at the instance of applicant. Hence, prayed to allow the application.

6. The learned APP for respondent No.1/State and the learned counsel for respondent No.2/victim have opposed the application and submitted that the accused is charged with the kidnapping and subsequent death of a young girl. The nature of the crime is exceptionally grave, involving the abduction of a victim from a public gathering and abandoning her in a critically injured state on a highway. If the applicant is enlarged on bail, there is every possibility of tampering with the prosecution evidence. Hence, prayed to reject the application.

7. Upon considering the submissions of litigating sides and perusing the material on record, including the charge-sheet, it is evident that the alleged incident occurred on 22.10.2025, whereas the F.I.R. was registered on 25.10.2025. While the Prosecution argues that the family was occupied with medical emergencies, the record indicates the victim was declared dead shortly after the

incident. A delay of three days in a case of alleged kidnapping and death is a substantial period that, in the absence of a corroborative explanation in the police diary, raises a *prima facie* doubt regarding the spontaneity of the allegations against the specific applicant.

8. Admittedly, there is no eye-witness to the act of kidnapping. The prosecution case *prima facie* rests entirely on information received by the son-in-law of the informant three days after the event. There is no statement on record from any independent witness at the fair, who noted the victim boarding the motorcycle of the accused.

9. Moreover, the FIR does not disclose any prior animosity or motive for the accused to kidnap the victim. The allegations against the applicant are general in nature. The lack of specific overt acts attributed to the applicant weakens the plea for continued custodial interrogation.

10. Nevertheless, the investigation is complete for all intent and purpose, resultantly, the chargesheet is filed. Having regard to the number of the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. The arrest of the applicant is effected on 25.10.2025 and since then, he is in jail.

11. As such, further incarceration, in the circumstances of the case, does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favour of the applicant. The apprehension expressed by the learned APP and the learned counsel for informant about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions.

12. Hence, the following order:-

ORDER

- (i) Bail application is allowed.
- (ii) Applicant, Dinesh Dattu Thorat, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only), with one solvent surety of the like amount in Crime No.0246 of 2025 dated 25.10.2025 registered with Sakri Police Station, District Dhule, for the offences punishable under Sections 103(1), 137(2) and 3(5) of the *Bhartiya Nyaya Sanhita, 2023* and Section 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, on the conditions that;
 - (a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (b) The applicant shall attend the trial on each and every date unless exempted by the trial Court.

- (c) The applicant shall submit their Aadhar and Pan Cards to the Investigation Officer and detailed addresses and phone numbers of applicants and two of the near relatives.
- (d) In case of breach of any of the conditions by the applicants, it is open for the Prosecution to move the concerned Court seeking cancellation of bail.
- (iii) Needless to state that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

[SACHIN S. DESHMUKH]
JUDGE

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