



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

80 ANTICIPATORY BAIL APPLICATION NO. 482 OF 2026

Devrao s/o Narayan Thorat,
Age; 55 years, Occ; Agri,
R/o; Balsond Tq. & Dist. Hingoli.

...APPLICANT
(Orig. Accused No. 1)

VERSUS

1. The State of Maharashtra,
Through Police Station Hingoli Rural,

2. The Superintendent of Police, Hingoli. ...RESPONDENTS

...
Advocate for Applicant : Mr. Pathan Hamzakhani I.
APP for Respondents/State : Mr. K.K.Naik
...

CORAM : MEHROZ K. PATHAN, J.
DATE : 06.04.2026.

PER COURT :

1. Heard the learned counsel for the respective parties.
2. The applicant is seeking anticipatory bail in Crime No. 688 of 2025, registered with Hingoli Rural Police Station, District Hingoli, for the offence punishable under Section 75, 78, 115 (2), 351 (2), 352 r/w 3 (5) of the Bhartiya Nyaya Sanhita, U/Sec. 12 of the Protection of Children from Sexual Offences Act and under Section 3 (1)(r), 3(1)(s), 3(1)(w)(ii), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. It is alleged that on 27.12.2025, at about 8.00 p.m., when the Complainant was going to the School alongwith her cousin, the accused Damodhar came on a motorcycle and made obscene gestures with sexual overtures thereby stalking the complainant. At about 6.30 p.m., when the Complainant was sitting in the Court yard along with her parents, the applicant, his wife and his son arrived at the spot, abused the Complainant and her parents in the name of their caste and assaulted the mother of the Complainant, whereas, the applicant has assaulted the father of the Complainant by means of fists and kick blows. Thus, a complaint came to be lodged under Section 75 of the B.N.S.

4. The learned counsel for the applicant Mr. Pathan, submits that the applicant is falsely implicated in the present crime with prior enmity in the village. The allegations levelled against the applicant are of general in nature. Even assuming without admitting allegations to be true, the allegations are only of assault by means of fists and kick blows. The allegations of abusing in the name of caste are deliberately made only to attract the stringent provisions of Atrocities Act without there being any intention at the behest of the applicant to intimidate the complainant in the name of her caste. The applicant is having deep roots in the society and not having any criminal antecedents.

5. The identical allegations are levelled against the wife of the present applicant, who is released by the learned Sessions Court on the same grounds that the offence under the Protection of Children from Sexual Offences Act is not made out against the mother. The allegations of POCSO Act are also not made against the present applicant, thus the applicant is entitled to be released on anticipatory bail, by applying the principle of parity, hence, applicant be protected.

6. As against this, the learned APP strongly opposed the present application on the ground that the applicant has abused the Complainant and her family members in the name of their caste in public view, thus, the offence is clearly made out under the Atrocities Act. The applicant's son is also alleged of stalking the Complainant, who is minor victim aged 13 years. The applicant instead gave understanding to her son had assaulted the Complainant and her parents and abused them in the name of their caste. If the applicant is released on bail, there would be likelihood that he may threaten the victim and her family members.

7. I have gone through the investigation papers made available by the learned APP, which has now culminated into filing of the charge-sheet. The perusal of the injury certificates, there are simple injuries sustained by the complainant, her mother and her father. The allegations against the applicant are general in nature

which are also attributed to the wife of the applicant, who is already released on bail by the learned Sessions Court. The allegations about the abusing in the name of their caste appears to be exaggerated version of the assault which has taken place. Whether the assault was made considering the Complainant and her family members belonging to the scheduled caste or scheduled tribes, is a matter to be decided during the course of trial, however, these observations are prima-facie in nature. The apprehensions of the learned APP can be taken care by imposing stringent conditions on the applicant. Thus, applying the principles of parity also I am inclined to protect the applicant by invoking discretion vested under Section 482 of the BNSS. Hence the following order :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the Applicant - Devrao s/o Narayan Thorat, in connection with Crime No. 688 of 2025 registered with Hingoli Rural Police Station, District Hingoli, for the offence punishable under Section 75, 78, 115 (2), 351 (2), 352 r/w 3 (5) of the Bhartiya Nyaya Sanhita and U/Sec. 12 of the Protection of Children from Sexual Offences Act and under Section 3 (1)(r), 3(1)(s), 3(1)(w)(ii), 3(2)(va) of the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act, 1989, he be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousands) with two solvent sureties in the like amount, on the following conditions :

(a) The applicant shall attend the concerned police station on 15th 16th, 22nd, 23rd, 29th, and 30th of April, 2026 and co-operate with the Investigation and appear thereafter as and when called by the Investigating Officer till filing of the charge-sheet.

(b) The applicant shall not enter the village Balsond, Tq. and District Hingoli, till filing of the charge-sheet.

(c) The applicant shall not threaten the victim and her family members.

(d) The applicant shall not tamper with the prosecution evidence and also shall not contact the prosecution witnesses.

(e) The Applicant shall submit his Aadhar Cards and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.

(f) A single violation of the aforesaid conditions, would entitle the prosecution to seek cancellation of bail of the Applicant on that ground.

(g) With the aforesaid directions, the application is disposed of.

(MEHROZ K. PATHAN, J.)