

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CR. ANTICIPATORY BAIL APPLICATION. NO. 1661 OF 2025

Vivek Laxman Waghmare
Versus

...Applicant

State Of Maharashtra & Ors

...Respondents

Mr. Rahul B. Vijaymane, Advocate for the Applicant.

Dr. Ashwini Takalkar, APP for respondent-State.

Ms. Vishakha Patil, Appointed counsel for respondent no.2.

Coram : MEHROZ K. PATHAN, J.

Date : June 15, 2026.

P. C. :

1. The Applicant has approached this Court seeking anticipatory bail in connection with C.R. No.201 of 2025 registered with Kurduwadi Police Station, District Solapur, for the offences punishable under Sections 119(1), 118(1), 76, 308(2), 115(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Mr. Rahul Vijaymane, learned Counsel for the Applicant, submits that the present FIR bearing C.R. No.201 of 2025 is a counterblast to the earlier FIR bearing C.R. No.200 of 2025 registered on 2nd May 2025 at

the instance of Manisha Vivek Waghmare, wife of the present Applicant, wherein the present complainant Martha Gyabriyal Navgire is also arraigned as an accused. It is submitted that the FIR has been lodged only with an intention to wreak vengeance against the entire Waghmare family.

3. Learned Counsel submits that the Applicant is a senior citizen aged about 63 years. Allegations of outraging modesty and molestation have been deliberately levelled only to involve the Applicant in serious offences and thereby deprive him of the benefit of anticipatory bail. It is submitted that the Applicant is a neighbour of the complainant and the FIR arises out of neighbourhood disputes. The FIR dated 2nd May 2025 being the first in point of time, lends support to the contention that the present FIR is a counterblast. It is further submitted that all other accused persons have already been protected by the learned Sessions Court and only the present Applicant has been denied such protection. The Applicant was granted interim protection by this Court vide order dated 11th September 2025 and there are no allegations of misuse of liberty or breach of any condition imposed by this Court. It is, therefore, prayed that the interim protection be confirmed.

4. Per contra, learned APP as well as the learned appointed Counsel strongly oppose the application. It is submitted that the Applicant is

accused of serious offences involving outraging the modesty of a woman and molestation. Specific allegations have been made against the Applicant regarding inappropriate conduct towards the complainant. It is submitted that the offence is serious in nature. The Applicant is a neighbour of the complainant and, therefore, there is a possibility of repetition of similar acts or interference with the complainant if released on bail. Hence, the application deserves to be rejected.

5. I have carefully gone through the investigation papers. It appears that FIR No.200 of 2025 was registered prior in point of time at the instance of the wife of the present Applicant. Therefore, the submission advanced on behalf of the Applicant that FIR No.201 of 2025 may be a counterblast to the earlier FIR appears to be a plausible contention at this stage.

6. The injury certificate indicates that the injuries sustained by the complainant are simple in nature. The Applicant has been protected by the interim order dated 11th September 2025. There are no allegations that the Applicant has violated any of the conditions imposed by this Court or has misused the protection granted to him. In the circumstances, no fruitful purpose would be served by subjecting the Applicant, who is aged 63 years, to custodial interrogation.

7. There are cross-complaints lodged by the parties against each

other. In view thereof, the possibility of false implication of the present Applicant cannot be ruled out at this stage. Needless to mention, these observations are prima facie in nature and are made only for the purpose of deciding the present application.

8. Taking into consideration the aforesaid circumstances, the investigation being substantially complete and the apprehensions expressed by the learned APP and learned appointed Counsel being capable of being addressed by imposing stringent conditions, I am inclined to confirm the interim protection granted to the Applicant. Hence, the following order:

ORDER

- A) The interim order dated 11th September 2025 is hereby confirmed.
- B) The Applicant shall attend the concerned police station and report to the Investigation Officer on Saturday between 11:00 noon and 1:00 p.m., till the charge-sheet is filed.
- B) The Applicant shall not enter the jurisdiction of Kurudwadi police station, except for attending the dates as aforesaid, till the filing of charge-sheet.
- C) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- D) The Applicant shall submit his Aadhar and PAN cards copy to the

Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.

E) A single violation of the conditions would entitle the prosecution to seek cancellation of the bail of the Applicant.

II) The application is allowed in the above terms and stands disposed of.

9. The fees payable to the learned appointed Counsel shall be quantified by the Maharashtra State Legal Services Authority, Bombay High Court Circuit Bench at Kolhapur in accordance with the applicable Rules.

[MEHROZ K. PATHAN, J.]