

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1259 OF 2025

Anil Harishchandra Gaikwad ... Applicant
V/s.
State of Maharashtra & Anr. ... Respondents

Mr. Jyotiram S. Yadav for the Applicant.
Mr. P. H. Gaikwad, APP for Respondent No.1-State.
Ms. Deepali Bagla for Respondent No.2.
PSI Prakash B. Avhad, Tokawade PS, Thane (R) is present.

CORAM : N.R. BORKAR, J.
DATE : 17TH JANUARY 2026

P.C. :

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1. This is an Application for anticipatory bail.
2. The Applicant is apprehending his arrest in Crime No. 120 of 2023 registered with Tokawade Police Station for the offences punishable under Sections 354, 354-D, 323, 504, 506, 376, 376(2)(n) of the Indian Penal Code.
3. It is the case of the prosecution that since last four years, the Applicant had, under threat, subjected the victim to forcible sexual intercourse. There are allegations of outraging her modesty also.
4. I have heard Learned Counsel for the Applicant, Learned APP for Respondent No.1-State and Learned Counsel for Respondent No.2-victim.

5. Learned Counsel for the Applicant submits that due to dispute between the families of the Applicant and the victim, false and afterthought allegations are made against the Applicant in relation to the alleged forcible sexual intercourse. It is submitted that no allegations in relation to alleged forcible sexual intercourse were made at the time of lodging of the FIR. It is submitted that the prosecution has already filed chargesheet against the present Applicant and thus there is no need of custodial interrogation.

6. On the other hand, Learned APP for Respondent No.1-State and Learned Counsel for Respondent No.2-victim submit that even after registration of the crime, the victim was threatened. It is submitted that considering the nature of crime, the Applicant may not be released on anticipatory bail.

7. I have perused the FIR. At the time of lodging of FIR only allegations in relation to outraging the modesty were made. The allegations in relation to alleged forcible sexual intercourse came to be made in the supplementary statement recorded on the next day of lodging of the FIR. There appears to be dispute between the families of the Applicant and the victim and therefore *prima-facie* the possibility of false implication can not be ruled out. The prosecution has already filed the chargesheet. Considering the overall facts and circumstances of the case, I am inclined to release the Applicant on anticipatory bail on certain conditions. Hence, the following order:-

ORDER

- i. The Anticipatory Bail Application is allowed.
 - ii. In the event of the arrest of the Applicant in Crime No. 120 of 2023 registered with Tokawade Police Station for the offences punishable under Sections 354, 354-D, 323, 504, 506, 376, 376(2)(n) of the Indian Penal Code, he shall be released on bail on furnishing a PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
 - iii. The Applicant shall not enter into the limits of Thane District, except to attend the dates before the trial court till conclusion of the trial.
 - iv. The Applicant shall not contact the victim and shall not tamper with the prosecution evidence.
8. The Anticipatory Bail Application is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)