



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

ANTICIPATORY BAIL APPLICATION NO. 2142 OF 2025

OMKAR VIJAY SHIRSATH

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Dhananjay M. Shinde

APP for Respondents/State : Mr. Aftab Ahmed Khan

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CORAM : MEHROZ K. PATHAN, J.

DATE : 3rd DECEMBER 2025

PER COURT :

1. The Applicant has approached this Court, seeking anticipatory bail in connection with Crime No.48/2025 registered with Malakoli Police Station, District Nanded for the offences punishable under Sections 75, 78, 3(5), 351(2), 351(3) of Bharatiya Nyaya Sanhita and under Sections 67(A), 67(B) of the Information and Technologies Act and under Sections 11 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution is that the informant/victim resides with her parents and elder brother. It is alleged that, prior to one year of 25/01/2024, the accused No.2 was studying in her school in 10th Std. The accused No.1 has studied up to 12th Std. It is alleged that, the accused No.2 said to her that, the accused No.1 likes her and she should talk with him and he gave his number, she talked with him. It is alleged that, after some days, the accused No.1 asked

her to send him her nude video or she will suffer. Accordingly, she complied his demand. It is further alleged, in between 15.03.2025 to 29.03.2025, the accused No.3 told her that, he is having her nude videos and asked her to talk with him or else, he will show the video to his father. It is alleged that, the accused No.4 told her that, the accused No.1 has sent him her videos, was following her and is harassing her. On the basis of this report, the crime was registered.

3. The learned Counsel for the Applicant submits that the Applicant is wrongly implicated in the present case. The mobile number saved in the name of the Applicant does not, in fact belong to him. He is not connected with the crime allegedly committed by the other co-accused. It is further submitted by learned Counsel Mr. Shinde, appearing for the Applicant, that there is nothing to show that the video of the victim girl was sent to the mobile phone of the Applicant. He further submits that the Applicant is the uncle of Sandeep Sirsath and as such he is falsely implicated in the present crime. The Applicant has no criminal antecedents and is ready to abide by any terms and conditions that may be imposed by this Court.

. It is his submission that the earlier bail application was filed before this Court before filing of the charge-sheet, however as the charge-sheet was filed, the application came to be withdrawn. It is his submission that as the charge-sheet is filed and the other co-accused are arrested, the custodial interrogation may not be necessary and he may be released on bail.

4. As against this, the learned APP vehemently opposes the application on the ground that the victim girl was subjected to harassment not only at the hands of juveniles Rudra and Sandeep, but also by the main accused, Mohan Jadhav, who had asked the minor victim girl to make a new video and send it to him on his mobile phone. The said video was then made viral in the village and circulated amongst various other accused persons, including the present Applicant. The present Applicant continuously harassed the complainant by stalking her and outraging her modesty. There is corroborative evidence in the statements of other witnesses which support these allegations. The nude video of the victim girl has already been recovered, on the basis of which the Applicant was harassing her. The Applicant was stalking the victim girl to foster personal interaction repeatedly, despite her clear expression of disinterest. The learned APP further submits that the offence is serious in nature and therefore the application may be rejected.

5. I have gone through the allegations in the FIR and the supplementary statement of the victim, wherein she has specifically alleged the role of the present Applicant in continuously subjecting her to sexual harassment. The Applicant followed the minor victim girl and attempted to contact her repeatedly, threatening to circulate her nude video and send it to her father. The supplementary statement shows that the Applicant attempted to make physical contact and advances involving unwelcome and explicit sexual overtures, and when the victim girl resisted by shouting, the

Applicant ran away along with his nephew, accused Sandeep. On one such occasion, witness Dnyaneshwar saw the Applicant/Omkar stalking the minor victim girl. The statement of Dnyaneshwar dated 13.05.2025 corroborates the allegation made by the victim that on 28.03.2025, when she was being harassed by the Applicant/Omkar and the witness Dnyaneshwar arrived at the spot, the Applicant/Omkar ran away from the spot. There are also statements of other witnesses who have corroborated the allegations made in the FIR. Furthermore, the video of the victim girl has been seized, which was found to have been transferred to the mobile number of the Applicant. Though the Applicant has contended that the mobile number given by the complainant does not belong to him, however the mobile phone of the complainant that was seized shows that the said number was saved in the name of the present Applicant/Omkar. The pancanama also shows the nude video of the minor girl is seized in the presence of female constable and victim. Panchanama dated 17/4/2025 shows the mobile number of applicant Omkarao 8698309237 as saved in the mobile of the complainant minor. The date of birth certificate issued by Zilla Parishad Primary School, Majre Sangvi, Taluka Loha, District Nanded, shows the date of birth of the victim as 20.07.2010. Thus, there is an ample evidence collected by the prosecution which has now culminated into filling of chargesheet to bring home the guilt of the present Applicant in this case. The applicant is absconding from the date of registration of offence. The Applicant had earlier approached this Court, but the said anticipatory bail application was withdrawn. The powers under

Section 482 BNS are to be exercised sparingly, as they are special powers meant for special circumstances. The applicant is aged 28 years and is involved in sexual harassment of a minor girl. The Applicant has failed to make out a case for interference by this Court under Section 482 BNS for grant of anticipatory bail.

6. The application therefore stands rejected and disposed of accordingly.

MEHROZ K. PATHAN
JUDGE

NATHEEB..