IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.451 OF 2025

Vishal Ramesh Mahapure ...Applicant
Versus
The State Of Maharashtra And anr ...Respondents

Adv. Satyavrat Joshi a/w. Shivani Kondekar, Advocate for the applicant.

Mr. Anand S. Shalgaonkar, APP for the State.

Sandip Gaikwad, Shahupuri Police Station, Kolhapur present.

CORAM : RAJESH S. PATIL, J.

DATED : 6 MARCH 2025

P.C.:

1. The present Application is filed by the applicant under Section 438 of the Code of Criminal Procedure corresponding with Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023 seeking grant of anticipatory bail in connection with Crime No.628/2024, registered with Shahupuri Police Station, District Kolhapur for the offences punishable under section 354-C and 500 of the Indian Penal code as well as Section 67A of the Information and Technology Act

2. It is the case of the prosecution that as per the complaint, an obscene video clip recording of the victim with the present applicant

went viral, leading to the lodging of the FIR. The complaint alleges that the said obscene video clip went viral from the mobile phone of the present applicant.

3. As per the F.I.R., one Mr. Umesh Bhaskar, to whom the present applicant had handed over his mobile phone for two days, is alleged by the applicant to have made the obscene video clip of the applicant with the victim girl viral. Umesh Bhaskar was arrested and has now been granted regular bail.

4. The learned Advocate for the Applicant submits that initially, the name of the present Applicant was not mentioned in the F.I.R. However, in the supplementary statement, the name of the present Applicant was subsequently added as an accused. He submits that the only reason the present Applicant was involved was that he had forgotten his Apple ID password, due to which he was unable to delete data from his Apple phone. The Applicant had handed over his iPhone 11 to accused Umesh Bhaskar for two days, as he intended to purchase an iPhone 13 and he had handed over his old iPhone. During those two days, Umesh Bhaskar gained access to all the data on the Applicant's old iPhone and was the person who made the entire obscene video clip of the Applicant with the victim viral. The learned Advocate further submits that the present Applicant had no ulterior motive, there was no promise of marriage made by him, and he had no role in making the obscene video clip viral.

The Applicant is ready to cooperate with the police.

5. The learned APP submits that the Applicant, in order to avoid marrying the victim girl, made the obscene video clip viral through Umesh Bhaskar. He argues that it is difficult to believe that the Applicant forgot his Apple ID password, yet Umesh Bhaskar was able to access the Applicant's iPhone within two days. Therefore, according to the learned APP, the custody of the present Applicant is necessary to determine to how many other persons the obscene video clip was forwarded by the Applicant.

6. I have heard the learned Advocate for both the sides and have gone through the F.I.R. and documents on record.

7. In the supplementary statement, the victim specifically named the present Applicant, along with his friends Umesh Bhaskar (Accused), Nikhil Buchade, and Omkar Mahapure, as having made the obscene video clip viral. She has no doubt about the involvement of the present Applicant and his friends in this act.

8. In my opinion, the Applicant’s claim that he forgot his Apple ID password is difficult to believe, especially since the password was somehow known to the accused Umesh Bhaskar, despite the Applicant’s mobile being in his possession for only two days. Although the said mobile phone is now in police custody, it is necessary to determine how

many other persons the obscene video clip was forwarded to by the Applicant and his friends, namely Umesh Bhaskar, Nikhil Buchade, and Omkar Mahapure.

9. It is also pertinent to note the victim-complainant's statement made on October 8, 2024, wherein she stated that before lodging the F.I.R., her father had called the Applicant and inquired about the viral clip. The Applicant allegedly informed the victim's father that the video was an Artificial Intelligence (AI)-generated clip and that the truth behind it would be revealed by 15 March. According to the complainant, this conversation was recorded.

10. Considering the seriousness of the crime committed by the accused, including the present Applicant, with the help of his friends, and its impact on the victim's life, physical presence of the Applicant for interrogation is necessary for completion of interrogation. Moreover, there is possibility of Applicant pressuring and threatening witnesses and tampering with evidence. Therefore, according to me, no case is made out for grant Anticipatory Bail Application.

11. Hence, the present Anticipatory Bail Application stands rejected.

(RAJESH S. PATIL, J.)