IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2151 OF 2026

Chaitanya Arun Patil ... Applicant

Versus

The State of Maharashtra and another ... Respondents

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Mr. Vedantika Sirwani h/for Mr. Sanket S. Kulkarni, Advocate for the applicants

Mr. S. V. Hange, APP for the Respondents State

CORAM : HITEN S. VENEGAVKAR, J.

Dated : 30th October, 2026

O R D E R:-

1. The applicant seeks regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No. 867 of 2026 registered with Shirdi Police Station, District Ahilyanagar, for the offences punishable under Sections 78 and 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, and Section 12 of the Protection of Children from Sexual Offences Act, 2012. He was arrested on 4 October 2026 and is in judicial custody. His application for bail was rejected by the Special Court at Rahata on 9 October 2026.

2. The prosecution states that the complainant became acquainted with the applicant through Instagram in June 2023, when she was studying in Standard XI. They thereafter communicated as friends. According to the complainant, from July 2024 she expressed

her unwillingness to continue speaking with him, but he compelled her to do so by threatening to end his life. After she moved to Mumbai for her studies and stopped speaking with him in October 2025, he repeatedly called her and threatened to ruin her life. On 15 November 2025, he allegedly came to her hostel, called her to Grant Road railway station and threatened to jump before a train if she refused to speak with him. She contacted his friend, whereupon the applicant left the place.

3. The prosecution further states that on 9 March 2026 the co-accused sent the complainant a message and a photograph representing that the applicant had met with an accident and was admitted to a hospital at Pune. She subsequently learnt that the representation was false. On 2 October 2026, the applicant allegedly called her and threatened to disclose their interaction to her father, defame her in Shirdi and ruin her career. She alleges that the repeated calls, messages and threats caused mental distress and affected her health. She therefore lodged the report on 4 October 2026.

4. Ld. Advocate for the applicant submits that the allegations do not disclose sexual intent necessary to attract Section 12 read with Section 11 of the POCSO Act. The complainant attained majority on 8 December 2025, and the incidents of March and October 2026 occurred thereafter. He submits that their earlier communication was friendly,

that the report was lodged belatedly and that no physical assault is alleged. He further submits that the applicant's mobile phone has already been seized and his further detention is unnecessary. The applicant is 22 years old, is employed, has a permanent residence and has no criminal antecedents. He also questions the necessity of his arrest for offences carrying comparatively short sentences and undertakes that the applicant will cooperate with the investigation and will neither contact the complainant nor interfere with the evidence.

5. Ld. APP opposes the application and submits that the alleged conduct commenced when the complainant was a minor and continued thereafter. The repeated communications despite her unwillingness, the threats and the involvement of the co-accused disclose a prima facie case. The investigation is in progress. Since the applicant and the complainant belong to the same town, there is an apprehension that he may again contact her, exert pressure upon her and her family or influence the witnesses if released.

6. Ld. Advocate for the complainant has also opposed the application and has placed chats on record to demonstrate the applicant's persistent harassment and insistence that she continue speaking with him. He submits that the complainant has suffered because of this conduct and apprehends its recurrence. He has also criticised the manner of investigation, alleging deficiency and lethargy

on the part of the Investigating Officer.

7. I have considered the submissions and the material placed before the Court. The complainant's grievance about repeated unwanted contact and threats cannot be brushed aside merely because the parties were previously acquainted. An earlier friendship does not entitle the applicant to insist upon further communication after she has expressed her unwillingness. The allegations therefore require investigation. The question presently is whether, having regard to the nature of the material and the need to protect the complainant and the investigation, his further detention is necessary.

8. As regards the submission concerning the POCSO Act, Section 11 requires sexual intent even where the allegation is of repeatedly contacting a child through electronic or other means. Such intent is a question of fact and may be inferred from the surrounding circumstances; it need not be expressed in explicit words. I have perused the chats relied upon by the complainant. At this stage, the material indicates repeated insistence upon communication, threats of self-harm and threats to damage her reputation and career. However, on a prima facie consideration of the material as a whole, the sexual intent necessary to attract Section 11 is not sufficiently apparent. This assessment is confined to the prayer for bail and does not finally determine the applicability of Section 12.

9. The date of birth stated in the complainant's report is 8 December 2007. Consequently, she was a minor during part of the alleged conduct, including the incident of November 2025, but had attained majority before the incidents of March and October 2026. Her age on the date of lodging the report does not exclude examination of the earlier acts under the POCSO Act. Equally, describing the allegations as a continuing course of conduct does not dispense with the requirement of examining whether the acts during her minority disclose the ingredients of the offence. The rival submissions on this aspect will remain open for consideration at the appropriate stage.

10. The punishment prescribed under Section 12 of the POCSO Act extends to three years. Section 78 of the BNS prescribes imprisonment extending to three years on a first conviction and five years on a second or subsequent conviction. No previous conviction or other criminal antecedent is shown against the applicant. Section 352 carries imprisonment extending to two years. The nature of the allegations must therefore be considered along with the punishment applicable to this applicant. In Sanjay Chandra v. Central Bureau of Investigation, (2012) 1 SCC 40, the Supreme Court explained that detention before conviction cannot be imposed as punishment and that the seriousness of the accusation must be considered together with the other relevant circumstances, including the likely sentence.

11. The apprehension concerning interference with the investigation also requires consideration in the light of the steps already taken. The remand report dated 6 October 2026 expressly records that the applicant's father produced his mobile phone and that it was seized in the presence of two panch witnesses. The submission recorded in the earlier rejection order that recovery of that phone was still pending therefore cannot justify his continued detention. Investigation of the electronic communications and collection of the remaining evidence can proceed while the applicant is on bail, subject to his cooperation. The fact that investigation against the co-accused remains pending does not, by itself, establish a need to detain this applicant further.

12. Ld. Advocate for the complainant has complained of lapses in the investigation. Any circumstance bearing upon the necessity of custody or the risk of interference must certainly be considered while deciding bail. However, a separate inquiry into the alleged deficiency or lethargy of the Investigating Officer is not called for in this application. Those grievances do not, by themselves, furnish a reason to continue the applicant's detention. The complainant's remedies in that regard remain open, and the investigation must proceed fairly and in accordance with law. It is also unnecessary to finally decide the applicant's objections concerning the arrest or the delay in lodging the

report, since the application can be decided on the foregoing considerations.

13. The applicant is 22 years old and has no criminal antecedents. His mobile phone has been seized and police custody has concluded. Although his period of custody is not lengthy, continued detention is not shown to be necessary merely because investigation is incomplete. The apprehension of renewed contact deserves an effective restriction, particularly in view of the allegations of persistent calls and messages. A strict prohibition on direct or indirect contact, together with conditions requiring cooperation and preservation of evidence, would adequately address that apprehension. On the cumulative consideration of these circumstances, the applicant deserves to be released on bail. Hence, the following order:

O R D E R

(i) The application is accordingly allowed.

(ii) The applicant, Chaitanya Arun Patil, shall be released on bail in connection with Crime No. 867 of 2026 registered with Shirdi Police Station, District Ahilyanagar, on executing a personal bond of Rs. 25,000/- with one or two sureties in the like amount, subject to the following conditions.

(iii) The applicant shall not contact or attempt to contact the

complainant or her family, directly or through any other person, by telephone, messages, social media or any other means. He shall not visit her residence, hostel or educational institution, follow her or approach her in person. Till filing of chargesheet the applicant shall not enter the town of Shirdi save and except for the purpose of attending his employment. After the daily employment period is over, he will again leave the city of Shirdi immediately.

(iv) The applicant shall not threaten, induce or influence any prosecution witness or tamper with the evidence. He shall not delete, alter or cause the deletion or alteration of any electronic material relating to the present crime.

(v) The applicant shall cooperate with the investigation and attend Shirdi Police Station on the first Sunday of each month between 10.00 a.m. and 12.00 noon for two months or until filing of the charge-sheet, whichever is earlier, and thereafter as and when called upon by the Investigating Officer on reasonable written notice.

(vi) At the time of furnishing bail, the applicant shall provide his residential address and active mobile number to the Investigating Officer and shall promptly communicate any change. He shall attend the proceedings before the Special Court

unless exempted.

15. In the event of breach of any condition, the prosecution or the complainant may apply for cancellation of bail. All observations made herein are prima facie and confined to deciding this application. The investigation and the trial shall proceed independently of these observations.

(HITEN S. VENEGAVKAR, J.)

JPChavan