



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1928 OF 2025

AMOL MADHAVRAO RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Ravindra B. Ade
APP for Respondents-State : Ms. R. R. Tandale
Advocate for Respondent No. 2 : Mr. Gajanan K. Ulle

CORAM : SACHIN S. DESHMUKH, J.

Date : 29th January, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 19.05.2025 bearing Crime No. 109 of 2025 registered with Mukhed Police Station, Dist. Nanded for the offences punishable under Sections 63, 64(1), 69, 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 66(E), 67, 67(A) of the Information Technology Act.

2. The case of the prosecution is that the victim and the accused have been acquainted since 2022. Following a proposal in July 2022, both entered a relationship and exchanged contact information. Between August 2022 and January 2023, the accused recorded photographs and videos of their intimate physical acts.

Despite the informant's specific requests, the accused refused to delete the recorded media.

3. The prosecution alleges that upon discovering that the accused was married with three children, the informant terminated all communication. Subsequently, on 31.03.2023, the accused arrived at the informant's residence and committed an indecent assault. Although the victim reported this incident to the Mukhed Police at the time, did not disclose the prior relationship or the existence of the recordings due to the fear of the content being leaked.

4. It is further alleged that the accused thereafter engaged in persistent telephonic harassment, threatening to circulate the private videos among the informant's relatives. Faced with continuous defamation and digital misuse, the informant was left with no choice but to file the present complaint. Accordingly, the FIR came to be lodged.

5. The learned counsel for the applicant submits that the The victim admits a long-term, voluntary relationship between two adults from July 2022 to January 2023. It is further contended

that the allegations of indecent behavior on 31.03.2023 arose only after the relationship ended, indicating a retaliatory motive rather than a criminal. The investigation is almost complete. Nothing remains to be recovered from the applicant. As such, prayed that application may be allowed.

6. The learned APP and the learned counsel for respondent No. 2 opposed the application, submitting that the accused sexually exploited the victim and captured photographs and video of the assault. Committed the serious nature of the offence, it is contended that the applicant's release on bail would create a significant risk of tampering with evidence. Consequently, the APP and learned counsel for respondent No. 2 pray for the application to be rejected.

7. Considering the submissions from both sides and perusing the record, including the charge-sheet, prima facie, it is evident that a consensual relationship existed between the victim and the accused from July 2022 to January 2023. Thereafter, the relationship allegedly ended and the incident of indecent behavior occurred on 31.03.2023. However, the complaint regarding the explicit videos and sexual acts was presented significantly after

lapse of time. The delay prima facie indicates that the allegations may be an afterthought and the same warrants protection under the principle of personal liberty.

8. Prima facie, the victim appears to have consciously participated in the acts, prima facie indicating an awareness of the consequences of her actions. Thus, the emerging factual matrix does not, at this stage, reflect active inducement or coercive conduct on the part of the accused.

9. Nevertheless, the investigation is complete and the charge-sheet is also filed. The primary evidence consists of digital data, including photographs, videos, and social media logs. Since these materials are electronic, can be secured via forensic seizure of the accused's devices. Thus, no fruitful purpose would be served by keeping the accused behind the bar.

10. Keeping in view the peculiar facts and circumstances of the case, the applicant's deserves to be entitled for bail. The learned APP's apprehension about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions.

11. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Amol Madhavrao Rathod be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 109 of 2025 registered with Mukhed Police Station, Dist. Nanded for the offences punishable under Sections 63, 64(1), 69, 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 66(E), 67, 67(A) of the Information Technology Act, on the following conditions :-
- (a) The applicant shall attend each and every date of the Trial Court, unless exempted by the Trial Court.
 - (b) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move the

concerned Court seeking cancellation of bail.

- (III) Needless to states that the observations rendered herein are to the extent of deciding this application and the trial court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi