IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2353 OF 2025

SANDIP SANJAY NAIKNAWARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
Advocate for Applicant : Mr. N. L. Jadhav
APP for Respondent No.1 : Mr. B. B. Bhise
Advocate for Respondent No.2 : Mr. Aashish T. Jadhavar
...
WITH
BAIL APPLICATION NO. 2358 OF 2025

PRASHANT @ SONYA S/O. ANIL RAUT
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
Advocate for Applicant : Mr. N. L. Jadhav
APP for Respondent No.1 : Mr. B. B. Bhise
Advocate for Respondent No.2 : Mr. Aashish T. Jadhavar
...
WITH
BAIL APPLICATION NO. 2345 OF 2025

TAUSIF JAINUDDIN SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
Advocate for Applicant : Mr. Sayyed Tauseef Yaseen
APP for Respondent No.1 : Mr. B. B. Bhise
Advocate for Respondent No.2 : Mr. Aashish T. Jadhavar
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 12-01-2026

PER COURT:-

1. The applicants seek regular bail in connection with Crime No.245 of 2025 dated 01.08.2025 (Special Case No.181/2025)

registered with Patoda Police Station, District Beed, for the offences punishable under sections 77, 351(2), 3(5) of the BNS, 2023, sections 13 and 14 of the POCSO Act and sections 66(E), 67, 67(B) of the Information and Technology Act, 2000.

2. The prosecution's case is that the victim's mother lodged a complaint on 01.08.2025, alleging that relatives informed her on the same day that an obscene video of daughter had gone viral. When confronted, the victim disclosed she had a two-year friendship with accused Tausif. She stated that while she was home alone on 25.12.2023, Tausif promised marriage, persuaded her to remove her clothes, and recorded a video of her. Tausif later demanded the same act again, which she declined. It is further alleged that Tausif threatened to make the video viral. The complaint states that Tausif, along with two co-accused, Sandip and Prashant, blackmailed her and disseminated the video. A police report was subsequently lodged.

3. Learned counsel for the applicants submit that the applicants are falsely implicated in the crime. There is inordinate delay to lodge the complaint. There is no evidence that said obscene video was received on mobile of the applicants nor there is any evidence to indicate that the alleged videograph is made viral by the present applicant. There is no conclusive evidence except the statement of Bharat Jadhav, which is hearsay alleging that the said

video graph is made viral by the accused. Hence, prayed to allow the application.

4. Learned A.P.P. for the State and the learned counsel for the victim have opposed the applications and submitted that the offence is serious in nature. One of the accused made obscene video of the minor girl and had committed the offence of sexual assault on the minor victim. The accused would pressurize the victim and there would be danger the life of the victim, if the applicants enlarged on bail. Hence, prayed to reject the applications.

5. Upon considering the submissions and perusing the material on record, including the statement of the victim indicates the victim's mother stated the video of her daughter was made viral by some unknown persons, a fact communicated to her by a relative. Upon confrontation, the victim named the accused as having allegedly made viral the video with a common intent. However, apart from this statement, there is nothing on record to indicate, *prima facie*, whether the applicants indeed distributed the video.

6. The record further indicates that the alleged video was self-recorded by the victim on 25.12.2023, however, allegedly the applicant forced her to make it in relation to which report is lodged on 01.08.2025. On the contrary, the victim also admits of being in

a friendship with the applicant/Tausif. Therefore, whether such a video was recorded under force or coercion is doubtful. The said aspects can be dealt with appropriately during the trial. Thus, in absence of such direct evidence, the applicants cannot not be exposed to prolonged incarceration.

7. In any case the report is lodged after an unexplained delay. Nevertheless, the investigation is complete for all intent and purpose, resultantly, the chargesheet is filed. Having regard to the number of the accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, further detention of the applicants as an under-trial prisoner, in the circumstances of the case does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

8. Hence, the following order:-

ORDER

(i) Bail applications are allowed.

(ii) Applicants, Sandip Sanjay Naiknaware, Prashant @ Sonya s/o. Anil Raut and Tausif Jainuddin Shaikh, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) each, with one solvent surety of the like amount in Crime No.245 of 2025 dated 01.08.2025 (Special Case

No.181/2025) registered with Patoda Police Station, District Beed, for the offences punishable under sections 77, 351(2), 3(5) of the BNS, 2023, sections 13 and 14 of the POCSO Act and sections 66(E), 67, 67(B) of the Information and Technology Act, 2000, on the conditions that;

(a) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

(b) The applicants shall attend the trial on each and every date unless exempted by the trial Court.

(c) The applicants shall submit their Aadhar and Pan Cards to the Investigation Officer and detailed addresses and phone numbers of applicants and two of the near relatives.

(d) In case of breach of any of the conditions by the applicants, it is open for the Prosecution to move this Court seeking cancellation of bail.

(iii) Needless to state that the observations rendered herein are to the extent of these applications and the trial court shall not be influenced by the same.

[SACHIN S. DESHMUKH]
JUDGE

rrd