



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO. 115 OF 2025

SHRUSTI D/O. SANTOSHRAO DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS.

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Mr. V.A. Bagal, Advocate for the applicant,
Mr. K.K. Naik, APP for respondent No.1.
Ms. Khan Sultana Rahim, Advocate (appointed)
for respondent No.2/accused.

CORAM : MEHROZ K. PATHAN, J.

DATE : 27th MARCH, 2026.

P.C. :-

1. The applicant has filed this application for cancellation of bail granted to the respondent/accused for violation of the conditions of bail granted by this Court vide order dated 24.1.2025, in ABA No. 424 of 2024.

2. Heard Mr. Bagal, the learned counsel for the applicant/victim, Mr. Naik, the learned APP for State and Ms. Khan Sultana Rahim, the learned counsel (appointed) for the respondent No.2/accused.

3. Mr. Bagal, learned counsel for the applicant submits that anticipatory bail was granted to the respondent/accused on the condition that the applicant shall not tamper with the evidence and shall not post any material against the informant/girl on social media at any point of time and if the same is done, the relief granted to the respondent/accused shall stand vacated. Mr. Bagal submits that respondent/accused, by using his mobile No. 857593193 and another mobile No. 8080372247 had created two groups on the social media

(WhatsApp) and thereby added the family members of the victim i.e. father, brother and real uncle and sent obscene photographs to them. He had also sent threatening messages to the informant and her family members. The learned counsel relies upon the screen shots of the videos of the said posts made by the respondent which is clearly in violation of the order dated 24.1.2025 passed by this Court in ABA No. 424 of 2025 granting conditional anticipatory bail to the respondent No.2. The learned counsel submits that the respondent was directed not to post any such material against the victim on social media platforms. The complainant/victim had thus filed a detailed complaint dated 24.6.2025 before the Police Inspector of Ghansawangi thereby stating all the aforementioned facts and requested to register the crime against the respondent No.2/accused under the Information Technology Act and arrest him on the grounds of violation of the order of the Honourable High Court. Accordingly, the police authorities had registered a crime No. 309 of 2025 dated 24.6.2025 for the offence punishable under Sections 66(E) and 67 of the Information Technology Act, 2000. However, the police authorities have not arrested the accused in the said crime and thus the applicant is apprehending danger to her life and got intimidated by such videos being circulated by the respondent/accused. The applicant has thus prayed for cancellation of bail granted to the respondent/accused.

4. The learned counsel for the accused Ms. Khan Sultana strongly oppose the application on the ground that similar allegations were made by the complainant that there was threat extended by the accused to the complainant and her family members. The victim had also filed an application assisting the prosecution, which would clearly show that the identical allegations of making the application to the police authorities, for taking action against the respondent for circulating defamatory material on social media platforms viz. Face book. The said Application

was also annexed with the application for assisting the prosecution. This Court, after hearing the complainant on her identical allegations had granted bail to the accused vide order dated 24.1.2025. Thus, it can be seen that the complainant is in the habit of making continuous complaints about the violation of the conditions imposed by this Court in the interim order protecting the applicant and thereafter in the final order passed by this Court. The complainant is the legally wedded wife of the respondent and was forcibly taken away by her parents. The parents of the applicant had brain-washed her mind and thus, she has filed such frivolous application.

5. Mr. Wakade, learned counsel for the accused further relies upon the judgment of the Division Bench of this Court in the case of *State of Maharashtra vs. Madurai @ Madra Devendra Mariappan in Interim application No. 5433 of 2023 in Criminal Application 506 of 2019* to submit that the order granting bail shall not be interfered with lightly and that the material produced by the complainant/victim herein is insufficient to hold that there was any deliberate attempt on the part of the respondent/accused to either directly or indirectly pressurize the complainant or any other family member of the victim. In the present case, there is nothing on record to show that respondent had indulged in similar offence. The complaint is filed by the applicant only out of apprehension and fear without there being any actual incident of threat extended by or on behalf of the respondent/accused. Mr. Wakde, therefore, submits that such an application moved by the girl merely on an apprehension that the respondent/accused may commit any cognizable offence, therefore, cannot be entertained for cancellation of bail granted to the respondent after hearing the respondent/accused as well as the victim. The application is thus devoid of substance and the same be rejected.

6. Mr. Naik, learned APP, upon instructions from the Investigating Officer submitted that the Police Station, Ghansawangi has received a complaint from the father of the applicant that some persons were roaming around his house in suspicious circumstances and that said incident is captured in the CCTV footage of the Camera installed at his house. The alleged CCTV footage clearly shows that recce was being done for some incident which they may execute and as such, the said complaint was taken into consideration and appropriate actions are being taken by the Police Authorities to avoid any untoward incident. The learned APP further submits that Crime No. 309 of 2025 was registered earlier against respondent/accused at the behest of the applicant for circulation of obscene photographs and videos of the victim. After serving notice under Section 35(3) of the BNSS to the respondent/accused, the charge sheet is filed in the aforesaid crime against him, as there was sufficient evidence collected by prosecution to bring home the guilt of accused/respondent.

7. Perusal of the charge sheet in the said crime would reveal that there is enough evidence collected against the present respondent in the aforesaid offence under Section 66E and 67 of the Information Technology Act. The learned APP, therefore, submits that there appears to be a prima facie case of direct violation of the interim orders passed by this Court. The complaint dated 10.2.2026 is received from the father of the complainant/victim and hence, this is a fit case to cancel the anticipatory bail granted to the respondent/accused, in exercise of powers under Section 439 of the Cr.PC.

8. I have gone through the investigation papers in Crime No. 309 of 2025 as well as the obscene photographs and videos on the whatsapp groups which the respondent/accused is alleged to have circulated while she was in the company of the respondent/accused. I

have also gone through the order passed by the Division Bench in the Criminal Writ Petition No. 268 of 2024. The perusal of the order passed by the Division Bench in the Habeas Corpus petition would itself show that the girl had submitted that she was residing with her parents as per her own wish and will and relying upon such statement made by the girl, the Habeas Corpus petition was disposed of. It can be seen from the orders dated 22.2.2024 passed by the Division Bench in Criminal Writ petition No. 268 of 2024 that the girl had then also stated about the phone calls being made by the accused to the girl (applicant/victim) threatening her of dire consequences. The victim/applicant had then also prayed for protection for herself and her parents by imposing appropriate conditions upon the respondent/accused.

9. Be that as it may, the further conduct of the respondent/accused could be seen from the videos and obscene photographs allegedly circulated by him on the social media groups on WhatsApp, wherein, the parents of the girl were also added by him as the group members. Accordingly, the victim girl/complainant herein, had filed a complaint to the Police Station, Ghansawangi and as such, the FIR No. 309 of 2025 under Sections 66 E and 67 of the Information Technology Act was registered. The police have investigated the crime and have filed a charge sheet against the present respondent/accused, which shows that there is enough evidence collected by the Police Authorities to prosecute the respondent/accused of the said crime. The said crime was registered on 24.6.2025 and charge sheet is filed on 3.12.2025 against respondent/accused which prima facie establishes a supervening circumstance against the respondent/accused.

10. Perusal of the Investigation papers made available by the learned APP further shows the complaint made by the father of the victim/complainant herein, dated 10.2.2026, wherein, he had specifically

stated about the activities going around his house and as such, there is every likelihood of any untoward incident at the behest of the accused. The learned APP submits that the same complaint is being investigated by the police authorities.

11. The conduct of the respondent/accused shows that he has no regard for the Rule of Law. The filing of FIR against the respondent/accused by the complainant dated 24.6.2025 which is registered as Crime No. 309 of 2025 would prima facie show that there are supervening circumstances after the grant of anticipatory bail to the respondent/accused. The Police authorities had conducted investigation in the aforesaid crime of circulating obscene photographs/videos of the victim girl on the social media i.e. whatsapp group created by him and police have filed a charge sheet against him in the said crime. It is true that the orders granting bail shall not be interfered with unless there are supervening circumstances brought on record. The registration of FIR, the filing of charge sheet, the material i.e. obscene photographs and videos brought on record and the subsequent complaints made by the father of the complainant to the police authorities, clearly shows that the respondent/accused has violated the conditions imposed by this Court while granting anticipatory bail to him vide order dated 24.1.2025. In my opinion, therefore, this is a fit case to exercise the discretionary powers under Section 439(2) of Cr.P.C. corresponding to Section 483(3) of the BNSS for cancellation of bail. The anticipatory bail granted to the respondent/accused by this Court dated 24.1.2024 is hereby cancelled.

12. The application for cancellation of bail is accordingly allowed and disposed of. Fees of the counsel appointed through Maharashtra Legal Services Sub-Committee, Aurangabad shall be quantified at Rs.10,000/- and shall be paid by the Secretary of the Legal Services Sub-Committee, Aurangabad at the earliest.

grt/-

[MEHROZ K. PATHAN]
JUDGE.