



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 607 OF 2026

1. Mandar Pradip Patrikar
Partner of Softmate System LLP
Age; 33 years, Occ; Businss,
2. Shaila Kedar
Partner of Softmate System LLP
Age; 33 years, Occ; Business,

Both are residing at S.B. Road, Rambaugh
Colony, Navipeth, Pune- 411016.

...APPLICANTS

VERSUS

The State of Maharashtra
Through Ahilyanagar Police Station
Cyber Cell.

...RESPONDENT

ANTICIPATORY BAIL APPLICATION NO. 606 OF 2026

1. Softmate System LLP
Having registered office at Office No.
1505, 1506, Maruti Milleneum Tower,
Near Maruti Circle, Mumbai Bangalore
Highway, Baner, Pune – 411045.
2. Mandar Pradip Patrikar
Partner of Softmate System LLP
Age; 33 years, Occ; Businss,
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VERSUS

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...RESPONDENT

...
Advocate for the applicants : Mr. V.D. Sapkal (Senior Advocate) i/b
Mr. K.M. More a/w Mr. Yash A. Jadhav, Mr. Chaitanya Nikhte and
Mr. Prajit Sahane.

APP for the Respondents/State : Mr.A.S. Shinde
Advocate for the respondent No. 1 informant : Ms. Pradnya Talekar
i/b Talekar and Associates. (Assist to PP)

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WITH
CRIMINAL APPLICATION NO. 1570 OF 2026
IN ABA/607/2026

AND
CRIMINAL APPLICATION NO. 1571 OF 2026
IN ABA/606/2026

CORAM : MEHROZ K. PATHAN, J.
DATE : 24.04.2026.

PER COURT :

1. Heard learned counsel for the respective parties.
2. The Anticipatory Bail Application No. 606 of 2026 is not on board. After mentioning, is taken on board.
3. After hearing for some time, it appears that the learned Sessions Judge has rejected the Anticipatory Bail Applications filed

by the applicant/s only on the ground that Section 81 of the Information and Technology Act has the overriding effect than the other all penal provisions and hence the Anticipatory Bail Application filed under Section 482 of the BNSS Act are held to be not maintainable

4. The said finding of the learned Sessions Court has resulted in rejection of the Bail Application/s. The finding of the learned Sessions Judge is contrary to the law which has ignored the Full Bench decision of this Court in **Awadesh Kumar Parasnath pathak v. The State of Maharashtra and another – Criminal Application No. 2562 of 2019 and connected Anticipatory Bail Applications**, wherein, this Court pleased to hold as under :

“31. Considering the ingredients of the offence punishable under Section 72 in comparison to the offences under Section 406, 408, 409 in the light of Section 403 and 405 of the Indian Penal Code, Section 72 does not comprehend a situation where the breach of confidentiality or privacy, which is *per se* made punishable having been done without consent of the owner, a situation where such breach of confidentiality is resorted to for converting the property to one’s own use or access to the computer or computer system is done dishonestly. Section 72 only contemplates a situation where some one secures access to the electronic record/ information. But if this act is done dishonestly for one’s own use, it would be an act which would be punishable only under section 406, 408 and 409 of the Indian Penal Code and Section 72 would fall short to cover this

kind of offence. Hence we answer this question also in the negative”.

5. In view of judgment of the Full Bench mentioned herein above, it would be expedient in the interest of justice to set aside the order passed by the learned Sessions Court and remit the matter back to the learned Sessions Court to decide both the Anticipatory Bail Applications on merits, hence the following order :

ORDER

- (i) The applications are allowed.
- (ii) The order dated 07.04.2026 passed in both the Anticipatory Bail Applications by the learned Sessions Judge and in other connected application No. 456 of 2026 are hereby set aside and thereby remanding the matter back to the learned Sessions Judge to decide the same afresh on its own merits as expeditiously as possible.
- (iii) Till then, no coercive action shall be taken against the application for a period of 7 days.
- (iv) It is made clear that the interim protection is granted only in lieu of the apparent error committed by the learned Sessions Court without, going into the merits of the entitlement of the applicant to seek protection. The learned Sessions Court shall decide the interim Bail Application on its own merits without

getting influenced by the interim protection granted by this Court.

(vi) The applications are disposed of in aforesaid terms.

(vii) Both the Criminal Applications filed to assist the learned APP are also disposed of.

(MEHROZ K. PATHAN, J.)

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