



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 171 OF 2026

Shivpriya Sitaram Patil

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondent

.....

Advocate for Applicant : Ms. Pradnya Talekar h/f. Talekar And Associates

APP for Respondents: Mr. M.K. Goyanka.

Advocate for informant : Miss Anagha Pedgaonkar.

CORAM : R.M. JOSHI, J.

DATE : 9TH JUNE, 2026.

P.C. :-

1. The applicant, a lady Advocate, seeks anticipatory bail in connection with crime No. 6 of 2025, registered with Dhule Cyber Police Station, for the offence punishable under Sections 75 and 79 of the Bhartiya Nyaya Sanhita and under Section 67 of the Information and Technology Act.

2. In short, it is the case of the prosecution that on the basis of the FIR lodged by the informant, that on Instagram ID No. XXX, obscene photographs of the informant and two other females were made viral. During the course of investigation, it was found by the investigating agency that the said photographs were made viral at the instance of the present applicant.

3. The learned counsel for the applicant, at the outset, submits that the offences alleged against the present applicant are under Section 75 and 79 of the BNS and Section 67 of the Information and Technology

Act. It is her contention that considering the offence of sexual harassment as contemplated by Section 75 of BNS, first of all, that offence cannot be attributed to a woman and in any case, according to her, the essential ingredients of the said offence are not made out. If Section 75 does not get attracted in the present case, rest of the offences are bailable in nature.

4. On merits, the learned counsel for the applicant submits that except for the alleged statement of co-accused, there is no other evidence on record to connect the applicant with the crime in question. She further makes a submission on instructions, that after the grant of interim relief, the applicant has cooperated in the investigation and the mobile phone of the applicant has already been seized. It is claimed that the applicant is a lady lawyer and she is not likely to flee from justice.

5. The learned APP and the learned counsel for the informant, opposed the grant of relief to the applicant. It is contended that having regard to the nature of the offence and considering the evidence collected during the course of investigation, the applicant is not entitled for pre-arrest bail. In order to support the said submission, reference is made to the instagram post. The learned APP drew attention of this Court to the CDR collected during the course of investigation, which according to him indicates the location of the mobile phone of the present applicant and co-accused is the same. It is his submission that the said location is at Indus Private Limited. It is argued that there is further evidence on record indicating close relationship between the applicant and the co-accused. He drew attention of the court to the Seizure Panchanama, wherein, the co-accused had made a statement with regard to the involvement of the present applicant in the crime.

6. The learned counsel for the informant submits that the

observations made by the Sessions court while rejecting the bail application are sufficient to refuse bail to the applicant.

7. At the outset, it needs to be recorded that the Court is required to see, as to whether, it is a case, wherein, there is prima facie evidence indicating the involvement/complicity of the present applicant in the crime. The prima facie perusal of the record shows that except for the so-called statement of co-accused, there is no other evidence to show that the applicant was instrumental in uploading the obscene messages on the Instagram account. In so far as the contention of the learned counsel for the applicant with regard to non-applicability of Section 75 of the BNS, this court refrains itself from making any observation as any such observation may create an impediment during the course of trial. Suffice it to state, at this stage, the custodial interrogation of the applicant is not necessary. The applicant is a lady with no criminal history. She being lawyer is not likely flee away from justice. Practically the investigation of the crime is complete and as such, this Court finds no impediment in forming the interim relief. Hence, the following order:-

ORDER

[I] The application is allowed .

[II] The interim relief is hereby confirmed. Pending criminal applications, if any, stand disposed of.

[R.M. JOSHI, J.]

grt/-