IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.780 OF 2026

Sarfaraz Sherkhan Pathan …Applicant

Versus

The State of Maharashtra & Anr. …Respondents

WITH

INTERIM APPLICATION NO.2105 OF 2026

Sana Shakil Tamboli …Applicant

In the matter between:

Sarfaraz Sherkhan Pathan …Applicant

Versus

The State of Maharashtra & Anr. …Respondents

Mr. Shahbaz Khan Pathan i/b. Mr. Hemant Sharma, for the Applicant in ABA/780/2026.
Mr. Aniket Kanawade a/w. Mr. Omkar Wani, for the Applicant/Intervenor in IA/2105/2026.
Mrs. M. R. Tidke, APP, for Respondent No.1-State.
Mr. H. B. Ugale, API, attached to Bhadrakali Police Station, Nashik City, Nashik, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 12th OCTOBER 2026

PC:-

1. Heard Mr. Pathan, learned Counsel appearing for the Applicant, Mr. Kanawade, learned Counsel appearing for the Intervenor and Mrs. Tidke, learned APP appearing for the Respondent-State.

2. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("**BNSS**") seeking pre-arrest bail in connection with C.R. No.37 of 2026 registered with Bhadrakali Police Station, Nashik City, Nashik, for the offences punishable under Sections 308(2), 356(4), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ("**BNS**") and Section 66(C) of the Information Technology Act, 2000.

3. The prosecution case is set out in paragraph No.2 of the order dated 6th March 2026, passed by the learned Additional Sessions Judge, Nashik, in Criminal Bail Application No.189 of 2026, which reads as under:

> "*2. The informant has alleged that she is business woman running stationary shop along with her husband. Approximately 3 months ago an offence for committing rape was registered against her husband and later he was granted an anticipatory bail by the Court with conditions to leave Nashik city for a month. In mean time, present accused prepared false video in the name of her husband and published them in the social media causing defamation. The accused is engaged in blackmailing the people with fabricated videos and publishing on the social media. On 22/10/2025 the accused through a messenger demanded Rs. 3,00,000/- from her to stop publication of the video of her husband on the*

social media. Resulting, she registered instant report."

4. The main allegation against the Applicant is that the Applicant is publishing videos, which are defamatory of the husband of the First Informant and seeking money for not publishing such videos.

5. Mr. Pathan, learned Counsel appearing for the Applicant submitted that a learned Single Judge by order dated 31st March 2026 has protected the Applicant and the Applicant has co-operated with the investigation and that the chargesheet has also been filed.

6. On the other hand, Mrs. Tidke, learned APP appearing for the Respondent-State and Mr. Kanawade, learned Counsel appearing for Respondent No.2 submit that the offence is very serious. The Applicant is having eight antecedents and therefore, the Anticipatory Bail Application be rejected.

7. Perusal of the record shows that a learned Single Judge has already protected the Applicant by order dated 31st March 2026

and the said protection continues till date. In the meanwhile, the chargesheet has also been filed. Thus, the investigation is completed. Although there are eight antecedents, three antecedents are of the year 2011, one is of the year 2012, one is of the year 2015, two are of the year 2019 and one each of the years 2022 and 2025. In three antecedents, the Applicant has been acquitted.

8. Accordingly, the case is made out for grant of Anticipatory Bail by imposing stringent conditions. In view thereof, the following order is passed:

O R D E R

(a) In the event of arrest of the Applicant-Sarfaraz Sherkhan Pathan in connection with C.R. No.37 of 2026 registered with the Bhadrakali Police Station, Nashik City, Nashik, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.50,000/- with one or two solvent sureties in the like amount.

(b) The Applicant shall attend the concerned Police

Station on every Sunday between 11:00 a.m. to 01:00 p.m. In addition, the Applicant shall attend the concerned Police Station as and when called.

(c) The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(d) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall not leave India without prior permission of the Court.

9. The Anticipatory Bail Application is disposed of accordingly.

10. As the Anticipatory Bail Application is disposed of, nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]

SONALI MILIND PATIL

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Date: 2026.10.13 10:49:30 +0530