IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 704 OF 2026

Om s/o Narayan Chavan ...Appellant

V/s.

The State of Maharashtra & Anr. ...Respondents

Adv. Sayee Sawant a/w Mr. Abhaysinh Bhosale, Advocate for the Appellant.
Ms. Rutuja Ambekar, APP for the Respondent/State.
Mr. Prashant Kshatriya, Advocate for the Respondent No.2.
API- Savita Jadhav, Bhandup Police Station, is present.

CORAM : N.R. BORKAR, J.
DATE : 05.10.2026.

P.C. :

1. This appeal takes exception to the order dated 28.07.2026 passed by the learned Additional Sessions Judge, Greater Mumbai.

2. By the order impugned, the learned Additional Sessions Judge has rejected the anticipatory bail application filed by the present appellant, who is apprehending his arrest in Crime No. 544 of 2026 registered at Bhandup police station for the offences punishable under Sections 69, 115(2), 351(2) and 352 of the Bharatiya Nyaya Sanhita, Section 67 of the Information Technology Act and Sections 3(1)(2), 3(1)(r), 3(1)(c), 3(1)(e), 3(1)(w)(i)(ii) &

3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. It is the case of the prosecution that the appellant and the victim, who belongs to scheduled caste got acquainted with each other while they were studying in M.I.T. Engineering College at Chhatrapati Sambhajinagar. Their acquaintance turned into love relationship. It is alleged that the appellant promised to marry her and on that pretext subjected her to sexual intercourse.

4. It is alleged that as the appellant was not behaving properly with the victim and even refused to marry her, she broke her relationship with him. It is alleged that the appellant thus got annoyed and threatened her that he would make their personal photographs/videos viral on social media, if she refused to be in relationship with him. It is further alleged that on 2.6.2026, when the victim had gone to meet the appellant to tell him that her parents had arranged her marriage elsewhere and he should delete their personal photographs/videos, at that time, he snatched her mobile phone and called the person with whom the marriage of the victim was arranged and disclosed to him about their relationship.

5. I have heard the learned counsel for the appellant, the learned APP for the respondent/State and the learned counsel for the respondent No.2.

6. The learned counsel for the appellant has drawn my

attention to the WhatsApp chats and text messages annexed to the appeal at Page Nos. 75 to 91. The learned counsel for the appellant submits that the said WhatsApp chats/text messages are between the appellant and the victim. It is submitted that said WhatsApp chats/text messages do not support the allegations made by the victim. It is submitted that there is no need of custodial interrogation and the present appellant is ready and willing to co-operate in the investigation.

7. On the other hand, the learned APP for the respondent/State and the learned counsel for the respondent No.2 submit that there is a bar under Sections 18 & 18A of the SC & ST Act to entertain the anticipatory bail application. It is submitted that, considering the nature of crime, the appellant may not be released on anticipatory bail.

8. I have perused the WhatsApp chats/text messages. *Prima-facie*, the said WhatsApp chats/text messages do not support the allegations made by the victim against the present appellant. *Prima–facie,* the allegations made in the FIR do not show that the victim was subjected to alleged acts, because she belongs to scheduled caste. Considering the overall facts and circumstances of the case, I am inclined to release the appellant on anticipatory bail on certain conditions. In the result, the following order is passed :

O R D E R

i) The appeal is allowed.

ii) The order impugned is set aside.

iii) In the event of the arrest of the appellant in Crime No. 544 of 2026 registered at Bhandup police station for the offences punishable under Sections 69, 115(2), 351(2) and 352 of the Bharatiya Nyaya Sanhita, Section 67 of the Information Technology Act and Sections 3(1)(2), 3(1)(r), 3(1)(c), 3(1)(e), 3(1)(w)(i)(ii) & 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, he shall be released on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

iv The appellant shall attend the concerned police station as and when called by the investigating officer and shall co-operate in the investigation.

v) The appellant shall not contact the victim.

9. The appeal is disposed of in the aforesaid terms.

[N.R.BORKAR, J.]