

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1858 OF 2025

Sharif Mohammed Bapu Thottlyli
V/s.

...Applicant

The State of Maharashtra & Anr.

...Respondents.

.....

Mr. Rajiv Chavan, Sr. Advocate a/w Ms. Sonam Pandey, Adv. Asmi Desai i/by. Adv. Sonam Pandey, Advocate for the Applicant.
Mr.P.H. Gaikwad, APP for the Respondent/State.
Adv. Aadil Parsurampurua a/w. Adv. Aalam Parsurampurua and Adv. Prashant Parsurampurua for the Respondent No.2/First Informant.
API Amit A. Tiwari, Kherwadi Police Station is present.

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CORAM : N.R. BORKAR, J.
DATE : 04.03.2026.

P.C. :

1. This is an application for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No. 307 of 2025 registered at Kherwadi Police Station for the offences punishable under Sections 75, 78, 79 of the Bharatiya Nyaya Sanhita, 2023 and Section 67 of the Information Technology Act.
3. It is the case of the prosecution that in June 2022, the Martial Arts Training Centre run by the first informant and her husband became associated with Mixed Martial Arts India Federation (MMA India Federation) of which the present applicant was President. It is alleged that in November 2023, while the first informant was in Tirana, Albania, for International Mixed Martial Arts Judge/referee examination, the applicant, who was also there, called her to his hotel room on the pretext of reviewing certain presentation. It is

alleged that after completion of the work, while the first informant was leaving his hotel room at that time the present applicant hugged and kissed her on cheeks. It is alleged that the applicant thereafter started sending her repeated messages such '*love you*' and '*my sweet heart*'. It is alleged that in one of the interactions the applicant had said to the first informant that if she would have been single, he would have proposed her. There are allegations of inappropriately touching the first informant during various events. The allegations against the applicant are thus of sexual harassment, stalking and outraging the modesty of the first informant.

4. I have heard learned senior counsel for the applicant, the learned APP for the respondent/State and the learned counsel for the respondent No.2/first informant.

5. Learned senior counsel for the applicant submits that there is a delay in lodging the FIR. It is submitted that even if the entire allegations are accepted at their face value, the essential statutory ingredients of the offences invoked are not satisfied.

6. The learned senior counsel for the applicant submits that in 2023 at the instance of the applicant disciplinary action was initiated against husband of the first informant for assaulting a senior coach in Albania. It is further submitted that certain defamatory statements were made by the husband of the first informant and thus the applicant was constrained to institute criminal proceedings against him. The learned senior counsel

submits that the FIR is thus lodged as a counterblast to above actions.

7. Learned senior counsel for the applicant has drawn my attention to the WhatsApp/Instagram Chats between the applicant and the first informant to submit that false allegations are made against the applicant. It is submitted that on 11th July 2025 this Court granted interim protection to the applicant and the applicant completely cooperated with the investigation and the investigation is substantially complete.

8. Learned senior counsel submits that no arrest can be made in a routine manner on a mere allegation of commission of an offences made against a person. In support of his submissions, learned senior counsel has relied upon the decision of the Hon'ble Supreme Court in ***Arnesh Kumar vs. State of Bihar & Anr.***¹ & ***Sushila Kumari & Ors vs. The State (NCT of Delhi) & Anr.***² .

9. On the other hand, learned APP for the respondent/State and the learned counsel for the respondent No.2/first informant has drawn my attention to the order dated 18th June 2025 passed by the Division Bench of this Court in Writ Petition (L) No. 16740 of 2024. It is submitted that the crime in-question came to be registered pursuant to the directions issued by this Court. It is submitted that this Court has observed that the messages sent by the applicant demonstrate sexual overtures. It is submitted that considering the nature of crime, the applicant may not be released on anticipatory bail.

1 (2014)8 SCC 273

2 AIR 2020 SC 831

10. I have perused the order dated 18th June 2025 passed by the Division Bench of this Court in Writ Petition (L) No. 16740 of 2024. The relevant portion of the order reads thus:

“5.

The said messages are inundated with sexual innuendos. A plain reading of the messages demonstrate sexual overtures being made by Mr. Bapu to the said woman athlete. During the course of the hearing, we noticed the presence of the woman athlete concerned who was crying in the Court. Mr. Parsurampuriah informed us that the said lady was the athlete concerned. She had a story to tell.

6. The woman athlete informed us that she was being sexually harassed and has suffered great anguish at the hands of Mr. Bapu. She was compelled to reply to his Instagram and WhatsApp messages and if she refused, she was threatened that she would not be permitted to participate in any sport of the Federation. We were also informed that the said athlete had made complaints supported with the proof of harassment including Instagram messages, etc. to various authorities, however, her every attempt was thwarted and she was left to run from pillar to post for redressal of her grievance.
.....”

11. Considering the nature of allegations against the applicant, I am not inclined to release the applicant on anticipatory bail. Hence, the Application is rejected.

12. On the request of the learned counsel for the applicant, to enable the applicant to approach the Hon’ble Supreme Court against this order, the interim order passed by this Court dated 11th July 2025 shall remain in force for a period of four weeks from today.

[N.R.BORKAR, J.]