

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.1161 OF 2026

Junaid Akhtar Nirbhan

.. Petitioner

Vs.

The State of Maharashtra,

Through Tardeo Police Station, Mumbai & Anr. .. Respondents

Ms. Nazneen Khatri with Mr. Adil Khatri, Advocates for the Petitioner.

Mr. K.V. Saste, Additional Public Prosecutor for the Respondents.

**CORAM : SHREE CHANDRASHEKHAR, CJ. &
GAUTAM A. ANKHAD, J.**

DATE : 1ST APRIL 2026.

P.C. :

The petitioner is aggrieved by initiation of the Chapter Case bearing no.12 of 2026 against him.

2. In connection to the said Chapter Case, a show cause notice has been issued to the petitioner under section 130 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"). The learned counsel for the petitioner refers to an order passed by a learned Single Judge of this Court in Criminal Writ Petition No.42 of 2021 titled "*Agnelo Fernandes & Ors. v. State & Ors.*"¹ and submits that the show cause notice issued to the petitioner under section 130 of the BNSS is faulty and illegal.

3. This is recorded in the show cause notice issued to the petitioner that he has been made an accused in a criminal case vide C.R. No.377 of 2025 registered at Tardeo Police Station,

¹ AIR Online 2021 Bom 4764

Mumbai for the offences punishable under sections 65(1), 74 and 351(2) of the Bharatiya Nyaya Sanhita, 2023 and for the offences punishable under sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. The victim-girl is a minor, aged about 14 years. The crime vide C.R. No.377 of 2025 is under investigation. The show cause notice dated 17th February 2026 records as to why a chapter proceedings under section 129(g) of the BNSS should not be initiated against the petitioner as a preventive measure. The learned counsel for the petitioner, however, submits that the petitioner has been granted bail vide order dated 27th January 2026 in *Bail Application No.1220 of 2025 in Remand Application No.1536 of 2025 before the Special Judge (POCSO), City Civil & Sessions Court Gr. Bombay.* and submits that the proposed chapter proceedings against the petitioner is not sustainable in law. From the order dated 27th January 2026, we gather that there are nude photos and videos, circulated between the parties, a reference to which has been given in the said order.

4. Having regard to the aforementioned facts, we are not inclined to interfere in this matter. Writ Petition No.1161 of 2026 is dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]