

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.41 OF 2026

Shakil Amir Tamboli	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Mihir Kasliwal, i/by Rahul Kasliwal, for Applicant.
Ms. S.M. Yadav, APP for the State.
Ms. Asmi Desai, Advocate for Respondent No.2
API, W.V. Chaudhari, Indiranagar Police Station, Nashik City,
present

CORAM: MADHAV J. JAMDAR, J.
DATED : 23rd January 2026

P.C.:

1. Heard Mr. Kasliwal, learned Counsel for the Applicant, Ms. Yadav, learned APP for the State and Ms. Desai, learned Counsel appointed to represent interest of Respondent No.2.

2. By this Application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), the Applicant is seeking pre-arrest bail in connection with C.R. No.318 of 2025 registered with Indira Nagar Police Station, Nashik City, for the offences punishable under Sections 64(1), 352, 351(2)(3) of the Bharatiya Nyaya Sanhita, 2023 ("BNS").

3. As per prosecution case, the Applicant took the Complainant to Mumbai by telling her that her financial position will be improved and secretly took nude photos of the First Informant. He has given threats that her photos and videos would be made viral.

4. It is the submission of Mr. Kaslilwal, learned Counsel for the Applicant that the relationship is of consensual in nature. The Applicant is not involved in the crime. He submits that the Applicant is ready to co-operate with the investigation and the Applicant will handover his mobile to the Police.

5. On the other hand, Ms. Yadav, learned APP for the State strongly opposes the Anticipatory Bail Application. Ms. Yadav, learned APP states that the Police will file supplementary Charge-sheet after conducting further investigation.

6. Ms. Desai, learned Counsel appointed to represent interest of Respondent No.2, relies on Affidavit dated 13th January 2026 of the Respondent No.2. She points out certain Whatsapp chats between Respondent No.2 and one Sarfaraj Pathan, whose name is mentioned in the F.I.R. stating that the Applicant has shown the

subject photographs to said Sarfaraj. She further relied on the decision of the Delhi High Court in the case of ***Sudhir Kumar Vs. The State NCT of Delhi***¹ and more particularly on paragraph 10 to 13. She also submitted a Chart. She submits that the offence is very serious and therefore Anticipatory Bail Application be rejected.

7. Although Ms. Desai, learned Counsel has relied on the abovesaid decision of ***Sudhir Kumar*** (supra), however, facts of the said case are totally different. Therefore, the said decision will have no application to the present case.

8. Perusal of record shows that *prima facie* the relationship between the Applicant and Respondent No.2 was consensual. The Applicant is ready to co-operate with the investigation.

9. Mr. Kasliwal, learned Counsel states that although there is one antecedent, in that case about 165 Accused are involved. He submits that as the Respondent No.2 is staying in Nashik, he will stay outside Nashik District i.e. at the residence of his maternal uncle at Ahmed Umair Mill, 2 Taaki, Kamathipura, Mumbai. Mr.

¹ 2025 SCC OnLine Del 257

Kasliwal, learned Counsel states that the Charge-sheet is already filed against other Accused

10. Accordingly by imposing stringent conditions, the Anticipatory Bail Application can be granted. Hence, following Order is passed:

ORDER

- (i) In the event of arrest, the Applicant - Shakil Amir Tamboli be released on bail in C.R. No.318 of 2025 registered with Indira Nagar Police Station, Nashik City, on executing P.R. bond of Rs.1,00,000/- and furnishing one or two solvent sureties in the like amount.
- (ii) The Applicant shall attend the Indira Nagar Police Station, Nashik City on 29th January 2026 and 30th January 2026 between 11.00 a.m. to 2.00 p.m. and thereafter as and when called by the Police and shall co-operate with the investigation.

- (iii) The Applicant shall not enter Nashik District except for reporting to the Indira Nagar Police Station as set out herein above, till completion of the trial and for attending the trial.
- (iv) The Applicant shall attend the Kamathipura, Police Station, Mumbai once a week i.e. on every Sunday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial. The Police Inspector of Kamathipura Police Station shall communicate the details of the same to the Investigating officer.
- (v) 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.
- (vi) 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.

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

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

11. The Anticipatory Bail Application is allowed and disposed of accordingly.

12. This Court places on record appreciation for the assistance rendered by Ms. Desai, learned Counsel appointed to represent interest of Respondent No.2.

13. The High Court Legal Services Authority to pay her professions fees as per rules.

(MADHAV J. JAMDAR, J.)