

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

Cri.Anticipatory Bail Application No.522 of 2026

Aryan Dharmendra Shah
Age: 23 yrs, Occ: Service
R/at Municipal School No.3,
5/2 Jethalal Shah Chawl, RB
Kadam Marg, Bhatwadi,
Ghatkopar(W), Mumbai- 84

... Applicant.

Vs.

The State of Maharashtra
through Panchavati police station,
Nashik.

... Respondent.

Mr Hitesh P Shah for the applicant.
Ms GP Mulekar, APP for the respondent / State.

**Coram : R.N.Laddha, J.
Date : 10 April 2026.**

P.C. :

By the present application, the applicant seeks pre-arrest bail in connection with CR No.50 of 2026, registered at Panchvati Police Station, Nashik, for offences punishable under Sections 69, 78 and 352 of the Bharatiya Nyaya Sanhita, 2023, and Section 66(E) of the Information Technology Act, 2000.

2. It is the case of the prosecution that, in or about the year 2018, the victim became acquainted with the applicant in their capacity as classmates. Over a period of time, the said acquaintance developed into a romantic relationship, during the subsistence of which the applicant allegedly represented and assured the victim that he would marry her. Relying upon such representations, the victim consented to engage in physical relations with the applicant. It is further alleged that, during the course of such intimate encounters, the applicant clandestinely captured indecent photographs and recorded obscene videos of the victim without her knowledge. Thereafter, when the victim sought clarity regarding the proposed marriage, the applicant resiled from his assurances. Following the lodging of a non-cognisable complaint, the parties ceased contact and went their separate ways.

3. After an interval of approximately eight months, the applicant is alleged to have re-established contact with the victim and insisted that she meet him, failing which he threatened to circulate the aforesaid indecent material among her friends and family members. In furtherance of these threats, the applicant is alleged to have sent, via

WhatsApp, a screenshot purportedly showing that an indecent photograph had been shared with one of the victim's acquaintances. It is further alleged that, on 2 February 2026, the applicant transmitted to the victim's fiancé, through Instagram, a video depicting their intimate relations, accompanied by threats to disseminate similar material to other acquaintances. The applicant is also alleged to have followed the victim to her workplace and, upon her refusal to meet him, subjected her to verbal abuse. On the basis of these allegations, the present FIR came to be lodged.

4. The learned Counsel appearing on behalf of the applicant asserts the applicant's innocence and contends that he has been falsely implicated in the crime. It is submitted that the relationship between the applicant and the victim was entirely consensual in nature; however, upon the deterioration of said relationship, the present crime came to be lodged out of ulterior motives. It is further submitted that the applicant has neither recorded nor taken any indecent photographs or videos of the victim, as alleged. The applicant is ready to abide by any conditions this Court deems fit to impose.

5. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State opposes the applicant's request for bail, citing the gravity and seriousness of the offence. It is submitted that there exist specific allegations against the applicant. The investigation is at a nascent stage, and the SIM Card and the mobile phone/the electronic device used by the applicant for capturing, recording and transmitting the indecent photographs and videos are yet to be recovered. The learned APP further submits that in the event of the applicant being granted bail, there is a substantial likelihood of his influencing witnesses and/or tampering with evidence.

6. This Court has given anxious consideration to the rival contentions and perused the records.

7. It is a settled position in law that the power to grant anticipatory bail is extraordinary. While it has been acknowledged in many instances that regular bail is considered the general rule, the same analogy cannot be applied to anticipatory bail. The decision to grant anticipatory bail must be exercised with careful and prudent discretion by the Court, having regard to the specific facts

and circumstances of each case. A straitjacket formula cannot be applied. While exercising this power, the Court must exercise caution, as granting protection in serious cases could lead to a miscarriage of justice or hinder the investigation by enabling tampering with or destruction of evidence. A useful reference in this regard may be made to the decision of the Hon'ble Supreme Court in *Srikant Upadhyay & Ors vs. State of Bihar & Anr, 2024 SCC OnLine SC 282*.

8. Upon a perusal of the records, it *prima facie* emerges that the accusations levelled against the applicant pertain to inducing the victim into a physical relationship on the false pretext of marriage and subsequently reneging on such promise. The applicant is further alleged to have persistently threatened the victim through electronic communications and to have defamed and harassed her by disseminating obscene photographs and videos depicting their intimate relations to her acquaintances and fiancé through social media platforms. At this stage, the material placed on record discloses a *prima facie* pattern of conduct indicative of coercion, intimidation, and exploitation of the victim's trust, coupled with the circulation of indecent

material. The allegations, by their very nature, are grave and serious. Additionally, the investigation is at a nascent stage and crucial material, including the electronic device and SIM card allegedly used in the commission of the offence, are yet to be recovered. In such circumstances, custodial interrogation of the applicant assumes significance for the purpose of a fair and effective investigation.

10. Considering the nature of the allegations, the applicant's conduct, and the nascent stage of the investigation, the opposition to the grant of pre-arrest bail, as advanced by the learned APP, is justified. Accordingly, the present application stands rejected.

[R. N. Laddha, J.]