



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

ANTICIPATORY BAIL APPLICATION NO. 1311 OF 2026

Abhijit Arun Gade ... Applicant
 Vs.
 The State of Maharashtra and anr. ... Respondents

Mr. Vipul Dushing (through VC) a/w. Miss. Krishma Joshi and
 Mr. Ashish Saxena for the Applicant.
 Ms. Rashmi S. Tendulkar, APP for the Respondent No.1 – State.
 Mr. Jatin P. Karia (Shah) appointed Advocate for the Respondent No.2.
 Informant is present in Court.
 Mr. Amol Malugare, PSI, Narhe Police Station, present.

CORAM : SHYAM C. CHANDAK, J.
DATED : 01st JUNE, 2026
(VACATION COURT)

P.C. :-

- 1) Respondent No.2 is present and requested for legal aid. Mr. Jatin P. Karia (Shah) has consented to appear as legal aid Counsel. Hence, Mr. Jatin P. Karia (Shah) is appointed by the Court to represent and espouse the cause of Respondent No.2.
- 2) Heard the learned Counsel for the respective parties. Perused the record.
- 3) The Applicant apprehends his arrest in C.R.No.21/2026 registered with Narhe Police Station, Pune for the offences punishable under Sections 66E and 67A of the Information Technology Act, 2000 and Section 69 of the Bharatiya Nyaya Sanhita (BNS), 2023 on the report dated 18/04/2026 filed by Respondent No.2.
- 4) The prosecution story is that, on 12th May 2024, Respondent

No.2 had contacted the Applicant to give her audition for the movie 'Dakshin Digvijay'. After 15 days, Respondent No.2 again met with the Applicant. At that time, the latter told her that he has been searching a good film story for her and he will give her work in that film. This led to establishing friendship in-between the two. In October 2024, the Applicant obtained the consent of Respondent No.2 to have physical relationship with her by promising her that he will give her work in a movie. Thereafter, the two used to have physical relationship as the Applicant was promising that he will give her work in a movie. During the said act, the Applicant had taken objectionable photos and videos of Respondent No.2 by promising her that he will not make the same public and he will keep it with him as a memory. Meanwhile, the Applicant never disclosed her that he was married. At one point of time, the Applicant told Respondent No.2 that he has been married and having a daughter aged 2 years, but, his wife is not staying with him. Thereafter, the wife of the Applicant came to know about his relationship with Respondent No.2 and it led to quarrels in-between the couple. Finally, on 25th January 2026, the Applicant and Respondent No.2 decided not to meet each other and the Applicant deleted her objectionable photos and videos. However, on 26th January 2026, the Applicant posted a whats-app message to Respondent No.2, threatening that, if she goes somewhere for romping, he will drop the said photos and videos on social media. Then, on 17th January 2026, the Applicant made the photos and videos viral. Thus, the Applicant repeatedly committed rape on Respondent No.2, by obtaining her consent for physical relationship on a false pretext of giving her work in a film. Therefore, Respondent No.2 filed the said report and consequently, the aforesaid crime came to be registered. The Sessions Court rejected the Anticipatory bail Application of the Applicant.

5) Mr. Dushing, the learned Counsel for the Applicant submitted that the report filed Respondent No.2 itself mentions that the physical

relationship between the two were with consent. When the wife of the Applicant came to know about that relationship, there used to be quarrels between the Applicant and his wife. Therefore, the Applicant and Respondent No.2 decided to discontinue their relationship. The report also states that the Applicant has deleted the photos/videos of Respondent No.2 from his mobile. This falsifies the allegation that the Applicant has made the subject photos/videos viral on a social platform. As such, there is no *prima facie* case of the offence of rape and under the I.T. Act. Mr. Dushing submitted that looking at the allegations, there is no need of custodial interrogation of the Applicant. The material investigation is already over. The Applicant is not likely to abscond and tamper with prosecution evidence. Therefore, he is entitled for bail, as prayed for.

6) Ms. Tendulkar, the learned APP and Mr. Karia (Shah), the learned appointed Advocate for Respondent No.2 have submitted that, the Applicant has misused the friendly relationship with Respondent No.2 by inducing her to consent for the physical relationship with him on the false pretext that he will give her work in a film. For this purpose, the Applicant even suppressed the fact of his marriage. Later on, the Applicant defamed the victim by making her photos/videos viral on a social media. As such, there is clear case of the offences alleged against the Applicant. There is need of custodial interrogation of the Applicant for proper investigation in the crime. Therefore, the Applicant is not entitled for the bail.

7) I have considered these submissions.

8) The FIR clearly mentions that the Applicant was married and having a child. Yet, he suppressed that fact and caused Respondent No.2 to develop physical relationship with him on the false pretext of giving her work in a film. The Applicant never gave her such a work. Additionally, the Applicant took objectionable photos and videos of Respondent and made it

viral on a social platform. The Applicant had no reason to take the objectionable photos and videos of Respondent No.2 and make it viral. Therefore, it appears that, since beginning, the Applicant had ill-intention to misuse the photos/videos of the victim. Thus, the Applicant misused the trust invested in him by Respondent No.2. Said act of the Applicant has ruined the life of Respondent No.2. Therefore, there is a *prima facie* case of the offence of rape.

9) From the text of the report, it appear that, the Applicant has only made a show that he has deleted the subject photos/videos. But later on, he has made those photos viral on a social platform. Therefore, custodial interrogation of the Applicant is essential to collect the important electronic evidence and the device containing the same. The offence is serious in nature. The grant of anticipatory bail will adversely affect fair and effective investigation in this case.

10) In view thereof, the Applicant is not entitled for pre-arrest bail, as prayed for. Hence, the Application is rejected.

(SHYAM C. CHANDAK, J.)

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