

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application (ABA) No. 284 of 2019

Swati Vaibhav Bhadange

Vs.

State through P.S. Sitabuldi, Nagpur City

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.R. Vyas, Advocate for applicant.
Mr. V.P. Maldhure, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JUNE 25, 2019

The applicant herein has approached this Court for grant of anticipatory bail in respect of offences registered against her under Section 408 of the Indian Penal Code and Sections 66, 66(B) and 72(A) of the Information Technology Act as per FIR dated 20/04/2019. The allegation against the applicant is that she parted with information pertaining to students of the institution where she was employed and she also saved the same in her owned personal e-mail account.

2. On 10/05/2019, while issuing notice and granting ad-interim protection, this Court passed the order which reads as follows.

“In the event of arrest in connection with Crime No. 216 of 2019, registered with the non-applicant, the applicant be released on

provisional bail on executing PR bond of Rs.25,000/- and furnishing two solvent sureties in the like amount.”

3. The learned counsel for the applicant pointed out that the applicant has already approached the Division Bench of this Court by filing an application for quashing of FIR on the ground that the offences under the Indian Penal Code as well as provisions of the Information Technology Act could not have been registered against her. It is pointed that the Division Bench of this Court on 12/06/2019 has issued notice in the said application and relying upon the Judgment of this Court in case of **Gagan Harsh Sharma & Anr. Vs. The State of Maharashtra & Anr. 2019 ALL MR (Cri) 595** has directed that although investigation shall proceed only in case of offences under the Information Technology Act, 2000 no chargesheet should be filed against the accused without permission of the Court.

4. The learned counsel for the applicant has also invited attention of this Court to the Division Bench Judgment in case of **Gagan Harsh Sharma & Anr. Vs. The State of Maharashtra & Anr.** (supra) wherein it has been categorically held that when offences under the Information Technology Act are registered then invocation of provisions of the Indian Penal Code is uncalled for. This position of law is not disputed by the learned APP. It is also significant that offence registered against the applicant under the

provisions of the Information Technology Act are bailable. Therefore, it is evident that the present application deserves to be allowed. Accordingly, this application is allowed and the applicant is granted anticipatory bail on the same terms on which she was granted ad-interim protection by order dated 10/05/2019.

JUDGE

MP Deshpande