

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

**INTERIM APPLICATION NO.3777 OF 2024
IN
CRIMINAL APPEAL NO.1027 OF 2024**

Sanjay Babulal Patankar (Pagare)Applicant
Versus
State of Maharashtra Respondent

Mr. Mayur Kale, Advocate a/w. Akshay H. Bankapur for the Applicant.

Mr. Swapnil V. Walve, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 23rd SEPTEMBER, 2024

P.C. :

1. The Applicant was the original accused in Sessions Case No.143/2010 before the Additional Sessions Judge, Nashik. Learned Judge, vide his judgment and order dated 16.7.2024, convicted the Applicant for commission of the offence punishable under Sections 66-E, 67 and 67-A of the Information Technology (for short, 'I.T. Act'). He was sentenced to suffer RI for one year and to pay a fine of Rs.25,000/- and in default of payment of fine to suffer RI for three months, for the offence punishable under Section 66-E

of the I.T. Act. He was sentenced to suffer RI for one year and to pay a fine of Rs.25,000/- and in default of payment of fine to suffer RI for three months, for the offence punishable under Section 67 of the I.T. Act. He was sentenced to suffer RI for two years and to pay a fine of Rs.50,000/- and in default of payment of fine to suffer RI for three months, for the offence punishable under Section 67-A of the I.T. Act. The sentences were directed to run concurrently. He was also charged for commission of offence punishable under Sections 376 and 506 of IPC, however, he was acquitted from those charges.

2. Heard Mr. Mayur Kale, learned counsel for the Applicant and Mr. Swapnil Walve, learned APP for the Respondent-State.

3. The prosecution case is that the Applicant and the first informant were working in the same office. It is her case that he used to make unwelcome advances. However, subsequently they were in a relationship. It is her case that the Applicant used to take her to a lodge and used to

establish physical relations with her. This went on from 2008 to 2010. She came to know that he was already married. She, therefore, severed the relationship. It is her case that the Applicant then left that office. However, she continued working in that office. On one occasion the Applicant kept a C.D. of her objectionable photographs and videos on the windshield of the informant's sister's car. The informant's sister handed over that C.D. to the informant. It contained the objectionable photographs and videos. On this basis, the FIR is lodged and the investigation was carried out. The Applicant faced the trial. The Applicant was acquitted from the charges under Sections 376 and 506 of IPC, but, was convicted and sentenced, as mentioned earlier.

4. Learned counsel for the Applicant submitted that the informant had refused to hand over her mobile phone and computer immediately to the police. Therefore, there is a possibility that the Applicant is falsely implicated because of the strained relationship. He further submitted that the

Applicant was on bail during trial and he has not committed any offence while on bail. The allegations pertain to the year 2008-2010 and for about fourteen years, there are no further allegations of causing any harassment to the informant. There are no other offences registered against him.

5. Learned APP opposed these submissions. According to him, the manner in which the C.D. was prepared and the informant was pressurized shows that the informant was harassed and, therefore, the offence is serious.

6. I have considered these submissions. The points raised by both the parties will have to be decided at the final hearing stage. The sentence imposed on the Applicant is a short sentence. The Appeal is not likely to be decided within that period. The Appellant was on bail during trial and there are no allegations that during the period in which he was on bail he has harassed the informant or had committed any

other similar offence. Even after conviction, he was granted temporary bail under Section 389 of Cr.P.C.

7. Considering all these aspects, the Applicant can be released on bail during pendency of his Appeal. Hence, the following order :

:: O R D E R ::

- i. During pendency and final disposal of the Criminal Appeal No.1027/2024, the Applicant is directed to be released on bail on his executing a PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii. Interim Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)

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