



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

CRIMINAL APPLICATION (BA) NO. 663 OF 2024

Pratik Ravindra Ingle

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Civil Lines, Akola, District Akola and another

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

Court's or Judge's orders

Mr. S. V. Sirpurkar, Counsel for the applicant.

Mrs. Shamshi Hairder, APP for non-applicant No.1 /State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 28/11/2024

1. The applicant came to be arrested on 21.03.2024 in connection with Crime No.196/2024 registered with Police Station, Civil Lines, Akola for the offence punishable under Sections 376, 376(2) (n), 354-A, 294 and 506 of the Indian Penal Code and under Sections 66(E) and 67 of the Information Technology Act.

2. Learned Counsel for the applicant submitted that the crime is registered on the basis of report lodged by the victim, who is a married woman alleging that the present applicant has once seen her while she changing her clothes and thereafter, he attempted to sexually harass her as well as subjected for sexual assault. It is further alleged that the present applicant has also obtained obscene photographs of the victim and exhibited the same on

his WhatsApp status. On the basis of the said report, police have registered the crime against the present applicant.

3. He further submitted that there was a consensual relationship between the victim and the present applicant, due to which she has visited along with the present applicant at Shegaon and also resided in a hotel. During the investigation, the statement of the hotel Manager is recorded as well as extract of the register is also collected from which it shows that after obtaining her Identify Card the room was allotted to the present applicant and the victim. They have stayed there. There is no grievance made by the victim to the said hotel Manager regarding the forceful sexual assault or sexual harassment by the present applicant. He submitted that as far as the offence punishable under the provisions of the Information Technology Act, especially under Section 66(E) the punishment provided is for three years and fine of Rs.2,00,000/-. Now, the investigation is already completed and charge-sheet is filed, further incarceration of the present applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that the applicant is a government servant, now he is suspended from the service. Considering the nature of the allegation, the photographs and the WhatsApp chat, obscene

language is used by the present applicant and he has exhibited the obscene photographs of the victim on his WhatsApp status, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, there is no dispute as to the fact that there was acquaintance between the victim and the present applicant. The investigation material collected during the investigation also shows that there seems to be a consensual relationship, due to which the victim had been to the Shegaon along with the present applicant and stayed with him. No doubt, a government servant who has exhibited the obscene photographs of the victim on his WhatsApp status is a serious act. However, the punishment provided for the said offence is imprisonment of three years. The applicant is behind the bars from the last nine months. Now the investigation is already completed and charge-sheet is filed. Considering the nature of the allegation against the present applicant and considering the fact that now the investigation is completed, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Pratik Ravindra Ingle** shall be released on bail in connection with

Crime No.196/2024 registered with Police Station, Civil Lines, Akola for the offence punishable under Sections 376, 376(2)(n), 354-A, 294 and 506 of the Indian Penal Code and under Section 66(E) and 67 of the Information Technology Act, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not enter into Akola city except attending the proceeding before the Special Court, till the culmination of the trial.

(iv) The applicant shall not induce, threat or promise any witnesses either physically or through electronic media.

(v) The applicant shall attend the proceeding before the Special Court without seeking any exemption unless there are exceptional circumstantial.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)