



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

CRIMINAL APPLICATION (BA) NO.982 OF 2024

Ankush s/o Ramesh Rahangdale

Vs.

State of Maharashtra, through Police Station, Beltarodi, Nagpur 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. M. D. Puranik, Counsel for the applicant.

Ms. H. N. Prabhu, APP for the non-applicant No.1 /State.

Ms. Bhavya C. Dhruv, appointed Counsel for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 28/11/2024

1. The applicant came to arrested on 15.09.2024 in connection with Crime No.530/2024 registered with Police Station, Beltarodi, Nagpur for the offence punishable under Sections 64, 352, 351(2) of Bharatiya Nyaya Sanhita and under Sections 66(E), 67, 67(B) of the Information Technology Act.

2. The crime is registered on the basis of report lodged by the victim girl on an allegation that she got acquaintance with the present applicant and the said acquaintance resulted into a friendship and subsequently into the love affair. She further alleged that the present applicant has promised her for marriage and subjected her for forceful sexual assault. On 11.09.2024 also the applicant has called

her in a garden and there was a dispute between them thereafter, he obtained her mobile phone and transferred some amount from her mobile phone to his account. He has also exhibited her photographs on the Instagram account. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant who submitted that there was a consensual relationship between the victim and the present applicant. The statements of the various hotel Managers show that willingly the victim went along with the present applicant and there was a physical relationship between them. As far as the further incarceration of the present applicant is concerned, which is not required as the investigation is completed and charge-sheet is filed.

4. Learned APP and learned appointed Counsel for the non-applicant No.2 – victim strongly opposed the said application and submitted that the victim is not only subjected for the sexual assault, but her photographs are also exhibited on the Instagram account which is a serious offence. If the applicant/accused is released on bail, he would tamper with the prosecution evidence and therefore, the application deserves to be rejected.

5. After hearing both the sides and on perusal of the investigation papers, it reveals that due to the acquaintance, the applicant and victim developed a friendship which resulted into the love affair. If this allegation of sexual assault is considered in the light of the statements recorded by the Investigating Officer especially the statements of the hotel Managers namely, Ganesh Keshavraoji Kadu and Mahendra Puransing Devde which shows that the victim was along with the present applicant and they have obtained the room in their hotel. They have not seen any displeasure by the victim while obtaining the room. Thus, considering the same, it reveals that there was a consensual relationship between the victim and the present applicant. As far as the nature of the photographs which are exhibited are concerned, which only shows that the normal photographs were exhibited. It is nowhere alleged that some obscene photographs are exhibited by the present applicant. Now the investigation is already completed and charge-sheet is filed. Considering the nature of the allegation and the circumstances under which the relationship was developed, further incarceration of the present applicant is not required, in view of that the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Ankush s/o Ramesh Rahangdale** shall be released on bail in

connection with Crime No.530/2024 registered with Police Station, Beltarodi, Nagpur for the offence punishable under Sections 64, 352, 351(2) of Bharatiya Nyaya Sanhita and under Sections 66(E), 67, 67(B) 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 the vicinity of Manish Nagar i.e. within the jurisdiction of Beltarodi Police Station, till the culmination of the trial.

(iv) The applicant shall not induce, threat or promise any witnesses including the victim either by physically contacting her or through the electronic media.

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

(vi) The applicant shall not indulge himself in similar types of the activities.

(vii) The contravention of any of the conditions imposed would lead to the cancellation of bail.

6. The fees of the appointed Counsel be quantified as per rules.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)