



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

CRIMINAL APPLICATION (BA) NO. 59 OF 2025

Sagar Gajanan Ingale Vs State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.V. Sirpurkar, counsel for applicant.

Ms. T.H. Udeshi, APP for non-applicant/State.

Mr. A.S.Dhage, counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 03/03/2025.

1. Present application is filed by the applicant for grant of bail in connection with Crime No. 434/2024 registered at Ramdaspath Police Station, District- Akola for the offence punishable under Sections 64(2)(m), 318(2) of Bharatiya Nyaya Sanhita, 2023, the applicant came to be arrested on 24/12/2024.

2. Heard learned counsel for the applicant, who submitted that, as per the allegation in the first information report by a grown-up woman of 30 years that she got acquaintance with the present applicant through Instagram, and they got acquaintance with each other. Thereafter, on the promise of marriage, she was subjected for the sexual assault by the present applicant. On the basis of the said report, police have registered the crime against the present applicant. He submitted that it was a consensual physical relationship between the victim and the present applicant. Mere breach of promise is not

sufficient to attract the offences against the present applicant. Now, the investigation is already completed, and charge-sheet is already filed, further incarceration of the present applicant is not required.

3. Learned APP and learned counsel for the victim strongly opposed the said application on the ground that under the misconception of the fact, the consent was taken, and thereafter, the applicant has not fulfilled the promise. Considering the nature of the offence. The application deserves to be rejected.

4. On perusal of the investigation papers and the other relevant documents on record, it reveals that out of the consent, as there was a promise of marriage, the physical relationship was developed between the present applicant and the victim. From the statement of the victim, it appears to be a consensual act between both of them. Now, the investigation is already completed; whether there was a misconception of fact or not is a matter of evidence. At this stage, further incarceration of the present applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] The criminal application is allowed.
- b] The applicant – **Sagar Gajanan Ingale**, shall be released on bail in connection with Crime No. 434/2024 registered at Ramdaspath Police Station, District- Akola for the offence

punishable under Sections 64(2)(m), 318(2) of Bharatiya Nyaya Sanhita, 2023, on executing P.R. bond of Rs. 25,000/- with one solvent surety of the like amount.

- c] The applicant shall not induce, threat or promise any witness who are acquainted with the facts of the case.
- d] The applicant shall not enter into the vicinity of Siddharthwadi, Washim till culmination of the trial.
- e] The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.
- f] The fees of the appointed counsel be quantified as per rule.

5. The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]