

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION (BAIL) NO. 2618 OF 2014

Satyawan Arjun Bhagat.
Vs.
The State of Maharashtra

.. Applicant.
.. Respondent.

Mr.A.S.Khandeparkar with Mr.Rakesh Jadhav i/b. Khandeparkar & Associates,
for the Applicant.

Mrs.A.A.Mane, APP for State.

Mr.G.S.Jadhav, for Original Complainant.

**CORAM : G.S.KULKARNI, J.
(VACATION JUDGE)**

DATED : 26th DECEMBER, 2014.

P.C. :

1. Heard. In pursuance of the liberty granted by the regular Court, this application is listed today. This is an application under Section 439 of Cr.P.C. The applicant is arrested in C.R.no. Prt 6/3007/2014 registered at Banda Police Station, Sindhudurg for the offence punishable under Sections 7, 8, 12, 13(1)(d) and 13(2) of Prevention of Corruption Act, 1988.

2. The case of the prosecution is that the applicant who is in the

service of State Excise Department as Sub-Inspector was on duty at Banda Check post at the relevant time. A complaint came to be filed by one Gazhali Ismail Khan on 3.12.2014 that the applicant is making demand of money so as to clear vehicles owned by the complainant. The complainant, therefore, had approached the Anti Corruption Department. A trap was arranged on 3.12.2014. A telephone conversation came to be recorded in regard to demand of money by the applicant. The complainant handed over an amount of Rs.25,000/- in a Santro car on 3.12.2014 to the co-accused namely Balkrishna Parshuram Kudav which is alleged to be received on behalf of the applicant. The co-accused was caught red-handed alongwith the money as also appearance of anthracene powder on the hands and clothes of the co-accused was disclosed. The applicant came to be arrested on 3.12.2014 at 23.45 hrs.

3. The applicant was produced before the Trial Court on 4.12.2014 when the prosecution had sought police custody remand for two days. By order dated 4.12.2014 PCR came to be granted upto 6.12.2014. On 6.12.2014, the Prosecution had moved an application for extension of PCR by further 15 days as also an application for bail came to be filed on behalf of the applicant. By order dated 6.12.2014 the learned Trial Judge passed an order directing judicial custody of the applicant till 19.12.2014 thereby rejecting the bail application filed on behalf of the applicant.

4. Learned Counsel for the applicant submits that this is a case arising out of a trap. He submits that it is not disputed that the trap was not on the person of the applicant but on the co-accused. He submits that there is no need of any further custodial interrogation of the applicant inasmuch as initially only two days remand was sought. As regards the progress of investigation an explanation was given by the prosecution that voice recording is sent for Chemical Analyses. He submits that that for these reasons the custodial interrogation may not be necessary.

5. On the other hand, the learned APP has opposed this bail application relying on the affidavit of Mr.Motiram Chandya Vasave, Police Inspector, ACP, Sindhidurg.

6. Perusal of the reply filed, does not indicate any further requirement of the prosecution of a custodial interrogation of the applicant. In fact, the affidavit in reply does not set out any cogent reasons to continue the custody of this applicant. It is not in dispute that the case arises out of a trap arranged by the Anti Corruption Bureau on 3.12.2014. The trap was on the co-accused. The prosecution has availed custody of the applicant from 3.12.2014. Also on a specific query of the Court, the learned APP is unable to point out any other reason which would warrant the custody of the applicant. Having considered the material as placed on record and the submissions as made on

behalf of the learned Counsel for the parties, I am of the opinion that the applicant is required to be enlarged on bail. In the light of the above observations, the following order:-:-

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five thousand only) with one or two sureties in the like amount.
- (iii) The applicant shall co-operate with the Investigating Officer and shall not in any manner tamper with the investigation process.
- (iv) The applicant shall report to the concerned police station on every Monday between 10 a.m. to 12 noon for a period of three weeks, and thereafter on every first Friday of each month till the filing of chargesheet.

Application stand disposed of in the aforesaid terms. Parties to act on an authenticated copy of the order.

(G.S.KULKARNI, J.)