

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.615 OF 2016

Sanjay Devidas Patil,
Age: 37 years, Occu: Service,
R/o. 34-B, Bijli Nagar, Deopur,
Dhule, Dist. Dhule.

...Applicant

versus

The State of Maharashtra & anr.

...Respondents

**WITH
CRIMINAL APPLICATION NO.616 OF 2016**

Virendra s/o Arvind Shah,
Age: 40 years, Occu: Shop keeper,
R/o. Block No. 4, Jeevan-Jyoti Colony,
Behind New Court, Amalner,
Dist. Jalgaon.

...Applicant

versus

The State of Maharashtra & anr.

...Respondents

**WITH
CRIMINAL APPLICATION NO.617 OF 2016**

Milind s/o Ramdas Awasarmal,
Age: 44 years, Occu: Peon,
R/o. Plot No. 5/B, Prabhuddha Colony,
Station Road, Amalner, Dist. Jalgaon.

...Applicant

versus

The State of Maharashtra & anr.

...Respondents

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Mr. Rahul Temak, Advocate h/f Mr. P.R. Patil, Advocate for
applicants
Mrs. R.K. Ladda, A.P.P. for respondents
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CORAM : N.W. SAMBRE, J.

DATE : 15th FEBRUARY, 2016

ORAL ORDER :

Heard Mr. Rahul Temak, Advocate holding for Mr. P.R. Patil, Advocate for applicants and learned A.P.P. for respondent/State.

2. The applicants are seeking regular bail in Crime No 3120 of 2015 registered with Amalner Police Station, District Jalgaon for the offence punishable under Sections 7, 8, 10 and 15 of the Prevention of Corruption Act, 1988.

3. The prosecution case against the applicants is that applicant Sanjay Patil, working in the office of Sub Divisional, Amalner, has demanded bribe of Rs.25,000/- for releasing tractor, which crime was abetted by other two applicants.

4. While trying to make out case for grant of regular bail, learned Counsel for the applicants would urge that maximum punishment, even if the applicants are convicted, is of five years, with which they are charged. According to him, the police custody of the applicants is already over and they are in magisterial custody and further detention of the applicants is not necessary for investigation purpose. He would then urge that the applicants shall abide by the conditions as shall be imposed, as trap is unsuccessful. According to

him, since the trap was unsuccessful, the likelihood of conviction diminishes.

5. Learned A.P.P. opposed the applications on the ground that the investigation is in progress. There are allegations of tampering of evidence against Sanjay Patil, a public servant, whose relatives have tried to threaten the complainant and as such, N.C. came to be registered in the matter.

6. Perused the investigation papers.

7. It is no doubt true that maximum punishment for the offence punishable under Sections 7,8, 10 and 15 of the Prevention of Corruption Act, 1988 is of five years. The trap in the present matter though unsuccessful, however there appears sufficient evidence is collected by the investigating agency as against the applicants for involvement of the applicants in crime in question. The custodial interrogation of the applicants is already over.

8. In this background, in my opinion, applicant Sanjay, who is a public servant, there is hardly likelihood of running away from the process of Court.

9. The other two accused are alleged to have abetted crime in question.

10. In the above referred background, in my opinion, further detention of the applicants is not necessary. In view of above, it will be appropriate, in my opinion, to order the release of the applicants on bail. Hence, the following order.

The applicants be released on bail, in connection with Crime No 3120 of 2015 registered with Amalner Police Station, District Jalgaon for the offence punishable under Sections 7, 8, 10 and 15 of the Prevention of Corruption Act, 1988, upon furnishing P.R. bond of Rs.25,000/- with two sureties in the like amount, by each of them. Till filing of the charge sheet, the applicants shall keep themselves away from the jurisdiction of concerned police station and are put to the strict condition that they shall not tamper with the prosecution evidence. Single complaint against the applicants about tampering of prosecution evidence shall entail prosecution to move for cancellation of bail.

11. All criminal applications stand allowed in above terms.

[N.W. SAMBRE, J.]