

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 118 OF 2016

Pandurang Ambalal Bhujbal ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Ritesh Thobde for the Applicant
Mr. Arfan Sait, APP for the Respondent-State.
Mr.S.S.Birajdar Head Copnstable ACB, Solapur present.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : FEBRUARY 17, 2016.**

P.C.

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No. 127 of 2015 registered with Kurduwadi Police Station, Solapur for offences punishable under Section 13(1)(e), 13(2) of the Prevention of Corruption Act.

2. The applicant is serving as Assistant Engineer in M.I. (L.S.) Zilla Parishad, Kurduwadi. It is alleged that the applicant possessed

disproportionate assets to the tune of Rs.13,46, 971/- to the known source of his income. The crime against the applicant was registered pursuant to the complaint received against the applicant by the Anti Corruption Bureau. Apprehending his arrest, the applicant had filed application for anticipatory bail before the Special Judge, Solapur. The same came to be dismissed by order dated 6.1.2016. Hence the present application.

3. Heard Mr. Thobde, the learned counsel for the applicant. He has submitted that the enquiry is being conducted since 2014 and that the applicant has already joined investigation and that his presence is not required for custodial interrogation.

4. The learned APP has submitted that the applicant has violated the terms and conditions of the interim bail by not reporting to the Investigating Officer. He has submitted that it was only after the last date of hearing that he has reported to the investigating officer. He has submitted that the conduct of the applicant does not justify grant of bail.

5. I have perused the record and considered the submissions advanced by the learned counsel for the applicant and the learned

APP for the State. The records prima facie reveal that the applicant herein is an Assistant Engineer in MI (LS) Zilla Parishad, Solapur, Sub Division Kurduwadi, and therefore a public servant within the meaning of the Act. The records prima facie reveals that a complaint was received by the Anti Corruption Bureau, and upon investigation the applicant was found having assets disproportionate to his known source of income. The records reveal that preliminary enquiry was conducted and the report was submitted on 24.8.2014. Subsequently, a detail enquiry regarding income and expenditure of the applicant for the period from January 1986 to March 2015 was made. The said enquiry prima facie reveals that the applicant has assets worth Rs.13,46,971/- which is disproportionate to his own source of income. Since the applicant was unable to give satisfactory explanation, the aforesaid crime came to be registered.

6. The records indicate that matter is being enquired into since the year 2014. The Investigating Agency has collected relevant material and hence this is not a case which would justify custodial interrogation. Even otherwise, the applicant being a public servant is not liable to abscond or thwart the course of justice.

7. Considering all the above facts and circumstances, the application is allowed on the following terms and conditions:

- i) In the event of arrest of the applicant in Crime No.127 of 2015 registered with Kurduwadi Police Station, Solapur, the applicant be released on bail on furnishing bail bond of Rs.25000/- (Rupees Twenty-five Thousand Only) with one or two solvent sureties in the like amount to the satisfaction of the learned Special Judge, Solapur.
- ii) The applicant shall report to the Investigating Officer for 10 days from 10 a.m to 1.p.m. from the date of receipt of this order, and further as when required by the Investigating Officer for the purpose of investigation and interrogation.
- iii) The applicant shall not interfere with the witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)