

1. Heard learned counsel for the applicant and learned A.P.P. for the respondent/ State. This is an application moved by the applicant to enlarge him on bail in C.R. No.70/2017, registered under Sections 7, 13(1)(d) read with 13(2) of the Prevention of Corruption Act, 1988, at Police Station Udgir City, District Latur.
2. It has been alleged that, the applicant, being a Joint Sub-Registrar in the office of the Sub-Registrar, Udgir, demanded the illegal gratification of Rs.3000/- for registration of documents pertaining to the transfer of property in the name of complainant's sister and his wife. Accordingly, the complainant approached to the Anti-Corruption Cell and ventilated the grievances. The trap was laid and the applicant was caught red-handed while accepting the bribe

amount. Thereafter, the F.I.R. came to be filed and criminal law was set in motion against the applicant.

3. The learned counsel for the applicant submitted that, the applicant is innocent of the charges levelled against him and he has not committed any crime. He has been apprehended on false accusations. The applicant did not accept any illegal gratification, but somebody has planted the tainted currency notes in the table drawer of the applicant. There is no prima facie case against the applicant. He further submits that, the applicant is the sole earning member of the family and his wife is also suffering from mental illness. There is nobody available to look after the unmarried daughter and sons of the applicant. Hence, he prayed to release the applicant on bail in the interest of justice.

4. The learned A.P.P. opposed the application and submitted that there are prima facie circumstances on record to believe that the applicant made demand and accepted the illegal gratification while discharging his duties to show favour to the complainant. He was caught red-handed in presence of panchas. In such circumstances, it would be unjust and improper to allow the application. The learned A.P.P. also produced the investigation papers and expressed the apprehension about tampering of evidence during the course of investigation and trial. Hence, he prayed not to release the applicant on bail.

5. I have considered the arguments canvassed on behalf of

both sides. I have also perused the investigation papers produced on record. Admittedly, after the trap the applicant came to be apprehended in this crime on 26/4/2017 and thereafter he was remanded to M.C.R. The entire investigation is on the verge of completion. There is no necessity to curtail the liberty of the applicant for the purpose of investigation. Moreover, there would not be any recovery from the applicant remained for the sake of investigation. The apprehension expressed by the learned A.P.P. would be overcome by imposing certain conditions on the applicant. There should not be any pre-trial incarceration by way of punishment. There would not be any propriety to keep the applicant behind bars at the instance of prosecution. Hence, I do not find any impediment to allow the application.

6. In the circumstances, the application is allowed. The applicant be released on bail on furnishing the P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one solvent surety of like amount before the learned trial Court at Udgir. It is stipulated that the applicant shall not directly or indirectly indulge in the activities of tampering the prosecution evidence and shall not leave the jurisdiction of learned trial Court without its prior permission. Criminal Application stands disposed of accordingly.

(K.K. SONAWANE)
VACATION JUDGE

fmp/