

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 CRIMINAL APPLICATION NO. 2475 OF 2017

DADASAHEB SAKHARAM BARDE.
VERSUS
THE STATE OF MAHARASHTRA.

...
Advocate for Applicant : Narwade Narayan B.
APP for Respondents: S.S. Raut
...

CORAM : K.K. SONAWANE, J.
DATE : 24-05-2017.
(Vacation Court)

P.C. :

This is an application moved by the applicant to admit him on bail in connection with Crime No. II-42/2017 (3042/2017) registered under Section 7, 13 (1) (D) read with 13(2) of Prevention of Corruption Act, 1988 at M.I.D.C. Police Station, District Ahmednagar.

2. It has been alleged that the applicant being a Circle Inspector demanded and accepted a bribe of Rupees Seven Thousand from the complainant Abhay for taking mutation entry in the 7/12 extract. After the complaint, the Anti Corruption sleuths laid the trap and caught the applicant red handed while accepting the bribe amount. Thereafter, the crime came to be registered and set the criminal law in motion against the applicant vide crime no. II-42/2017 at M.I.D.C. Police Station, Ahmednagar.

3. According to learned counsel for the applicant, there is no prima facie case against the applicant. He has been falsely implicated by making an allegation about demand and acceptance of bribe amount. There is no direct evidence to fortify the allegations against the applicant. The custodial interrogation of the applicant was availed by the Investigation officer for the sake of investigation and, thereafter, the applicant was remanded to M.C.R. There is no necessity to keep the applicant behind bars for investigation purpose. The investigation has already been completed. Hence, the learned counsel prayed to release the applicant on bail.

4. The learned A.P.P. raised the objection and contends that the investigation is in progress. The Investigation Officer has to collect the requisite information about the disproportionate property of the applicant. There is also a possibility of tampering with the evidence of prosecution witness. Hence, the learned A.P.P. prayed not to nod in favour of applicant and reject the application.

5. Heard both the learned counsel appearing for applicant and prosecution. I have also perused the investigation papers. The charges pitted against the applicant are pertains to the demand and acceptance of bribe amount during the discharge of his official duty. The applicant was apprehended on 03.05.2017. The investigation officer availed the sufficient opportunity of custodial interrogation of

the applicant uptill 08.05.2017. Thereafter, the applicant was remanded to magisterial custody. Taking into consideration the nature of offence and gravity of the allegation, I do not find any impediment to enlarge the applicant on bail. The investigation into the crime is already on the verge of completion. There is no necessity to keep the applicant behind bars. According to the prosecution, the Investigation Officer has to collect the requisite information about the other property of the applicant. It is worth to mention that, in the report of the Investigation Officer, it is categorically mentioned that, the Investigation Officer has to collect information from the office of Assistant Registrar, Additional District Deputy Registrar of Stamps, R.T.O., State Bank of India, Rahuri Branch etc. in regard to the other assets of the applicant. I find that, it would possible for Investigation Officer to procure all the relevant documents from the concerned authorities without any assistance from the applicant. It would not just and proper to curtail the liberty of the applicant for such purpose to facilitate the Investigation Officer to procure documents from concerned authorities.

6. In view of allegation and nature of the offence, I am of the opinion that application deserves to be allowed. Accordingly, the applicant be released on bail on furnishing P.R. Bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with one solvent surety of the like amount in Crime no. II-42/2017 registered at M.I.D.C.

Police Station, Ahmednagar under Section 7, 13 (1) (D) read with 13(2) of Prevention of Corruption Act, 1988. The applicant shall furnish the bail before the learned trial Court, at Ahmednagar. It is stipulated that, the applicant shall not, directly or indirectly, indulge in the activities of tampering with the prosecution evidence and shall co-operate with the Investigation Officer during the course of investigation. The applicant shall not leave the jurisdiction without its prior permission.

(K.K. SONAWANE)
JUDGE