

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

BAIL APPLICATION NO.549 OF 2017

Dnyaneshwar Tukaram Karche ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.A.P. Mundargi, Sr.Adv. With Umesh Mankapure an Pandit
Kasar for the Applicant

Mr.Deepak Thakre, APP, for Respondent – State

Mr.S.B. Salunkhe, Pl., ACB, Solapur – present

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: MARCH 2, 2017

P.C. :

1. This application is moved for bail as the applicant/accused is prosecuted for the offences punishable under sections 7, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act in C.R. no.182 of. The offence was registered on 21.2.2017.

2. It is the case of the prosecution that one S.B. Salunkhe, Police Inspector, Anti-Corruption Bureau, Solapur, on receiving information from one Dr.Shende that the applicant/accused has demanded bribe of Rs.2 lakhs to close the complaint by one Anuradha Yadav, sister of the complainant Dr.Shende. After

receiving this information, the police laid a trap alongwith marked G.C. Notes of Rs.1 lakh alongwith panchas. At the time of the trap, the applicant/accused was caught red handed while accepting the marked G.C. notes with anthracin powder. The police thereafter drew panchanama and arrested the accused on 21.2.2017. His application for bail was rejected by the learned Sessions Judge, Pandharpur by order dated 27.2.2017 in Criminal Miscellaneous Application No.86 of 2017. Hence, this Bail Application.

3. Although, today is the first date, however, the Investigating Officer is present with all the necessary papers i.e., the complaint and the panchanama which are produced herewith and hence, it is heard finally.

4. The learned Senior Counsel for the applicant/accused has submitted that this being an offence under the Prevention of Corruption Act and it is a trap case, the bribe amount is recovered by the police on the spot; panchanama is drawn; and hence, nothing is required to be recovered from the applicant/accused. The applicant/accused was never in police custody as it was not asked for. The learned Senior Counsel further submitted that the

apprehension of the trial Judge that the applicant-accused belonged the police department and hence, he would interfere in the investigation is baseless. The major portion of the investigation is already over. He further submitted that the voice samples of the applicant/accused is already taken as the prosecution is relying on the evidence of recorded conversation.

5. Learned Prosecutor while opposing the Bail Application, has submitted that the applicant/accused has committed offence under the Prevention of Corruption Act. He relied on the transcript of the recorded conversation that took between the applicant/accused and one Mr.Bhosale, who was supposed to hand over the bribe money to the applicant-accused. The learned Prosecutor pointed out that from the conversation that it was not the first occasion that the applicant-accused has demanded and accepted the bribe but there were some other instances when he had demanded bribe.

6. Perused the FIR; the panchanama and the transcript of the recorded conversation which is produced by the learned Prosecutor. This being a trap case, the major part of the investigation is over at the time of drawing of the panchanama. The marked G.C. notes which were used as bribe money, is also

recovered by the police. The statements of the panchas are also recorded. From the transcript of the recorded conversation, as submitted by the learned Prosecutor, it appears that the applicant/accused might have made a demand of illegal gratification earlier also, however, prima facie, this is the first offence.

7. Considering the circumstances, I allow this application on the following terms:

- a) The applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.30,000/- (Rupees Thirty thousand only) with one or two solvent sureties in the like amount.
- b) The applicant-accused shall not tamper with the evidence or pressurise the complainant or the witnesses;
- c) The applicant-accused shall not indulge into any criminal activity and shall attend the concerned police station as and when called and also attend on all the Court dates;

d) The applicant-accused shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address.

e) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

8. Bail Application is disposed of on the above terms.

(MRIDULA BHATKAR, J.)