

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 573 OF 2017

Rajaram Sudam Surve & Anr.

...Applicants

Versus

State of Maharashtra

...Respondent

.....

Mr.Tushar N. Sonawane for the Applicants.

Mr.Sooraj S.Hulke, APP for the Respondent-State.

.....

CORAM: MRS.MRIDULA BHATKAR,J.

DATE : 3rd March 2017

P.C.:

1. Leave to amend. Amendment to be carried out forthwith.
2. This application is moved for bail as the applicants-accused are 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. 142 of 2017 registered with Pandharpur police station. The offence is registered at the instance of one Shankar Bhiku Salunkhe, Police Inspector, Anti Corruption Bureau .
3. On the information of the complainant Mohan Ganpat Jadhav, they laid a trap on 16th February 2017 against the applicants-accused. As per the information, the applicants-accused Rajaram

Sudam Surve and Khandu Bhanudas Kamble have demanded bribe of Rs. 5000/- to prepare the documents and for not harassing the accused in one criminal case. The complainant Mohan Ganpat Jadhav went to Shriram Bhojnalay where meeting point was fixed. Thereafter, the complainant marked G.C. Notes of Rs. 5,000/-. At the time of the trap, the applicants-accused were caught red handed while accepting the marked G.C. notes. The police thereafter drew panchanama on the spot and G.C.notes was seized under panchnama. The applicants-accused were arrested on the same day i.e. on 16th February 2017. They are in the jail. Hence, this bail application.

4. 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.

5. The learned counsel for the applicants-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 applicants-accused. The applicant-accused was never in police custody as it was not asked for. The learned 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.

6. Learned Prosecutor while opposing the Bail Application, has submitted that the applicants-accused have committed offence under the Prevention of Corruption Act.

7. Perused the FIR; the panchanama 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.

8. 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) each 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.
9. Bail Application is disposed of on the above terms.

(MRIDULA BHATKAR, J.)