

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

BAIL APPLICATION NO. 2381 OF 2017

Dr. Suresh Namdeo Koli

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Shirish Gupte, Senior Advocate i/b Anoop Patil for the Applicant.
Mr. S.R. Agarkar, APP for the Respondent/State.

**WITH
BAIL APPLICATION NO. 2372 OF 2017**

Gokul Suresh Patil

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. L. M. Shukla for the Applicant.
Mrs. Rutuja Ambekar APP for the Respondent/State.

**CORAM : A.S.GADKARI, J.
DATE : 02nd NOVEMBER, 2017**

P.C.:

. These are the applications under Section 439 of the Cr.P.C. for bail in C.R. No.187 of 2017 dated 23.09.2017 registered with Chhavani Police Station, Malegaon, District Nashik under Sections 7 and 15 of the Prevention of Corruption Act.

2 It is the case of the prosecution that Applicant Dr. Suresh Koli was working as Tahsildar at Malegaon, District Nashik and co-accused/Applicant Gokul Patil was working as a clerk of Applicant Suresh Koli. The complainant is Manoj Shantilal Pawar.

3 It is the case of the prosecution that for permitting the father of the complainant for illegally transporting mineral material, silt and sand by three tippers and one tractor and for not taking steps in that behalf, the Applicant and co-accused demanded Rs.50,000/- per month as illegal ratification. As the first informant did not intend to pay the said bribe amount to the Applicant and co-accused, he lodged the present complaint with Anti Corruption Bureau, Dhule. The Investigating Agency initially recorded the conversation between the first informant and Applicant Suresh Koli and co-accused/Applicant Gokul Patil on an electronic devise and same has been subsequently transcribed in presence of the panch witness. In the said conversation, it is reveled that the Applicants have settled their demand to Rs.40,000/- per month. In pursuance of the said pre-trap conversation, the Investigating Agency i.e. Anti Corruption Bureau laid traps on 12.07.2017, 13.07.2017 and 14.07.2017, however the said traps did not yield any positive result. The first information report clearly indicates that on 12.07.2017, the co-accused/Applicant Gokul Patil in fact did not allow the first informant to meet the Applicant Suresh Koli and it is alleged that, he said “let the vehicles be run, he is there”. In the premise, the first information report is

lodged.

4 As there is a demand of bribe by the Applicants/Public Servants from the first informant, Sections 7 and 15 of the Prevention of Corruption Act are applied to the present crime. The record of investigation reveals that as of today the investigation is practically completed and the Officers have already forwarded the file for getting sanction from the Competent Authority under Section 19 of the Prevention of Corruption Act. The Applicants are arrested on 22.09.2017 and are in jail since then.

5 After perusing the record of investigating agency, this Court is of the view that further incarceration of Applicants is not necessary. It is submitted that the Applicants have already been suspended from their job and are facing separate inquiries in that behalf. In view of the above, the Applicants can be released on bail.

6 Hence, the following order.

i) Applicant **Dr. Suresh Namdeo Koli** be released on bail in C.R. No.187 of 2017 dated 23.09.2017 registered with Chhavani Police Station, Malegaon, District Nashik on his furnishing PR bond of Rs.1,00,000/- with one or two solvent local sureties in the like amount.

ii) Applicant **Gokul Suresh Patil** be released on bail in C.R. No.187 of 2017 dated 23.09.2017 registered with Chhavani Police Station, Malegaon, District Nashik on his furnishing PR bond of Rs.50,000/- with one or two solvent

local sureties in the like amount.

iii) After their release from jail, both the applicants shall attend the office of the Police Inspector, Anti Corruption Bureau, Dhule on every Monday between 10.00 a.m. to 12.00 noon till the filing of charge-sheet.

iv) After filing of charge-sheet, the Applicants shall attend the office of the Police Inspector, Anti Corruption Bureau, Dhule on every first Monday of the month between 10.00 am to 12.00 noon till the conclusion of trial.

v) The applicants shall also attend all dates before the Trial Court.

vi) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.

vii) The Applicants shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.

viii) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)