

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.684 OF 2017

Nitin s/o Subhashrao Tathod, R/o Nimbhora Tq. & Dist. Akola

-vs-

State of Maharashtra, Thr. PSO Anti Corruption Bureau Akola Tq. & Dist. Akola

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri S. V. Sirpurkar, Advocate for applicant.
Shri J. Y. Ghurde, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.
DATE : October 03, 2017

The applicant apprehends his arrest in connection with Crime No.194/2017 for the offence punishable under Sections 7, 12, 13(1)(d) read with 13 (2) of the Prevention of Corruption Act, 1988 registered at Police Station City Kotwali, Akola.

As per the First Information Report, for the purposes of construction of toilets an amount of Rs.1000/- per toilet came to be demanded by the applicant who is stated to be the son of Sarpanch. On the basis of report lodged by the complainant a trap was laid and on 22/08/2017 one Shri Deshmukh was trapped receiving the amount in question. Reference is made in the First Information Report to the recorded conversation involving the applicant.

Shri S. V. Sirpurkar, learned counsel for the applicant submitted that the applicant had no authority to sanction the grants for the toilets and merely because

he was the son of Sarpanch, he was implicated. He submitted that as per the First Information Report, the applicant did not accept the amount of bribe and had gone away from the scene. It is further submitted that his voice sample has been duly taken during the course of investigation. It is therefore submitted that the applicant is entitled for protection from arrest.

Shri J. Y. Ghurde, learned Addl. Public Prosecutor for the State has opposed the aforesaid application. He has also referred to the case papers to indicate that the conversation refers to statements made by the applicant and at his insistence an amount was sought to be paid.

Perused the First Information Report as well as case papers. As per the trap dated 22/08/2017, the applicant is reported to have stated that the complainant should pay the amount in question subsequently. Without receiving that amount, the applicant left the place. As per the interim protection granted by this Court, the applicant has co-operated with the investigation and his voice sample has been recorded.

In these facts therefore, I do not find custodial interrogation of the applicant is warranted. I am therefore inclined to confirm the interim order passed by this Court. Hence the following order is passed :

(i) In the event of arrest of the applicant Nitin Subhashrao Tathod in Crime No.194/2017 registered

with Police Station City Kotwali (ACB) Akola for the offence punishable under Section 7, 12, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988, he be released on bail on executing PR Bond of Rs.25,000/- (Rupees Twenty Five thousand) with two solvent sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station on 09/10/2017 and thereafter as per the directions of the Investigating Officer. He shall co-operate with the investigation and shall not take any steps to tamper with the investigation.

Observations made in this order are only for deciding the present application which is allowed and disposed of.

JUDGE