

45- BA 1294 of 2018

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

CRIMINAL APPLICATION No. 1294 OF 2018

Mr. Vijaykumar Vitthal Nanavare

...Applicant

Vs.

State of Maharashtra

...Respondent

Mr. Niranjani S. Mundargi for Applicant

Ms. Veera Shinde- APP

Mr. Vaibhav Markad, PI, ACB, Solapur

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JUNE, 4, 2018

P.C.

1. Heard the learned counsel for the Applicant and the learned APP.
2. The Applicant herein is arrested on 23rd May, 2018 in Crime No. 450 of 2018 registered at Pandharpur City Police Station for the offence punishable under Section 7, 13(1) (d), 13(2) of the Prevention of Corruption Act, 1988.
3. It is the case of the prosecution that one Rashid Haji Akbar Shaikh, who is the Complainant herein lodged the report at the police station alleging therein that a non-cognizable case was registered against him. He is a trader in livestock. The case of the prosecution is that the present Applicant was working as Head Constable. A complaint was received against Rashid Shaikh.

Initially he had threatened the complainant of taking coercive action and, thereafter, had demanded Rs.10,000/- for not taking any coercive action and that he would take action under section 149 of the Code of Criminal Procedure Code, 1973. On the basis of the said report, the Anti Corruption Bureau, Solapur had taken steps. A trap was laid. After following the initial procedure, the Complainant was sent along with the bribe amount to the present Applicant and he had accepted Rs.3,000/- from the Complainant. The trap was successful and, thereafter, on the same day, the Dy.S.P. of the Anti Corruption Bureau, Solapur lodged a report at the police station against the Applicant under section 7, 13(1) (d) and 13(2) of the Prevention of Corruption Act, 1988. On the basis of which, crime being C.R. No. 450 of 2018 is registered.

4. The Applicant was taken into custody on the same day i.e. on 23rd May, 2018. Since he has been in custody for more than 48 hours, he has been suspended from the services. In fact in the cases under the provisions of the Prevention of Corruption Act, the first information report is lodged by the officer after the case is partly investigated initially. In these circumstances, further incarceration would not be justified. Hence the Applicant has made out a case for grant of bail.

5. It is made clear that the grant of bail shall not be taken into consideration

for the purpose of quashing of FIR or discharge application since the application is not being heard on merits, but in view of the fact that since the Applicant has been in custody since 23rd May, 2018 under the provisions of the Prevention of Corruption Act, 1988, the applicant deserves bail.

ORDER

- (i) The bail application is allowed.
- (ii) The Applicant be enlarged on bail on furnishing P.R. Bond of Rs.50,000/- with one or more solvent sureties in the like amount. The Applicant shall report to the concerned police station as and when called till the filing of the charge-sheet and co-operate with the investigating agency.

Bail application is disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]