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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

ANTICIPATORY BAIL APPLICATION NO.568 OF 2018

Chandrashekar Raibhan Gawai ..Applicant.

V/s.

State of Maharashtra ..Respondent.

Mr.Anil S. Kilor for the applicant.

Mr.M.K.Pathan, APP for the respondent-State.

CORAM: NITIN W.SAMBRE, J.

DATE : AUGUST 14, 2018

P.C.:-

Heard the learned counsel for the applicant and learned APP for the State.

2. The applicant is seeking pre-arrest bail for an offence punishable under section 7 of the Prevention of Corruption Act being crime No.197/2018.

3. The present applicant is a public servant who is working as Personal Assistant to Zilla Parishad President, Akola.

4. The complainant was out of service for quite some time. After he was reinstated, for settling his dues the applicant demanded bribe.

5. The learned counsel for the applicant would urge that the voice sample of the applicant is already recorded, sent for chemical analysis, as such custodial interrogation of the applicant is not necessary. According to him, at this stage, there is not a single piece of evidence so as to connect the application to crime in question.

6. According to the learned counsel for the applicant, pursuant to the observations made in the order dated July 31, 2018 the applicant has co-operated with the investigation agency and as such, the custodial interrogation is not required.

7. *Per contra*, Mr. Pathan, the learned APP would urge that the crime in question came to be registered pursuant to the complaint lodged by one of the public servant namely Gajanan Manoharrao Mahale, who was working as a teacher with the Zilla Parishad. The applicant demanded a bribe of Rs.25,000/- and

there are specific recording of the said demand, as can be inferred from the verification panchanama recorded on April 25, 2018 and the transcript thereof.

8. So far as the observations made in the order dated July 31, 2018 while granting ad-interim protection is concerned, the fact remains that the case diary was not before this Court on the said date. Apart from above, the verification panchanama speaks of specific demand made by the applicant, who is a public servant. The applicant who is working as the Personal Assistant with the Zilla Parishad President has tried to misuse his office for illegal personal gain.

9. The conduct of the present application *prima facie* depicts that he is involved in the crime in question. That being so, in my opinion, no case for grant of anticipatory bail is made out. The application fails and is rejected.

(NITIN W.SAMBRE, J.)