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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.275 OF 2019

Santosh Nivrutti Shinde ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Ms.Shraddha Sawant for the applicant.

Mr.M.G.Patil, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 31, 2019

P.C.:-

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

2. In crime No.II-420/2018 for offence punishable under section 7 of the Prevention of Corruption Act registered with Mumbai Naka police station, District Nashik, the applicant is seeking pre-arrest bail.

3. The prosecution case is, the complainant had purchased a land from one Zareena Begum Ansari, an estate broker, who was demanding an amount of Rs.2 lakhs and as such,

lodged a complaint with Mumbai Naka police station which was forwarded to the applicant for investigation.

4. The applicant demanded bribe from the complainant for non registration of offence pursuant to the complaint of Zareena Begum. A trap was laid and in pre-trap panchanama the demand was confirmed. However, it appears that the applicant came to know about the complaint lodged.

5. In the aforesaid backdrop, it is the claim of learned counsel for the applicant that the applicant is a public servant and very much available for investigation, there are no criminal antecedents and it is a case of false involvement in the crime in question, as such the applicant deserves to be released on bail. Learned counsel would then urge that the applicant is ready and willing to make available his voice sample and as such his custodial interrogation is not warranted.

6. Mr.Patil, learned APP opposed the claim based on contents of the F.I.R. and other material.

7. It appears that in pre-trap panchanama the demand made by the applicant was confirmed and reduced in writing as the same was recorded in voice recorder.

8. Apart from above, the custodial interrogation of the applicant is very much required, particularly in the backdrop of *prima facie* evidence of involvement of the applicant in the crime in question being available on record, there is no substance in the application.

9. The application is rejected.

(NITIN W. SAMBRE, J.)