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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 277 OF 2019**

Shamrao Mahadeo Shete

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

Mr. Abhishek R. Avachat for the applicant

Mr. S. S. Hulke APP for the State

CORAM : NITIN W. SAMBRE, J.**DATE : FEBRUARY 26, 2019.****P.C.**

In Crime No. 15/2019 registered with Sarkarwada Police Station, Nashik City for offence punishable under Sections 13(1) (e) r/w 13(2) of Prevention of Corruption Act and under section 109 of the Indian Penal Code, applicant is seeking pre-arrest bail.

2 The submissions of the learned counsel for the applicant are, applicant, a public servant can explain all the allegations of disproportionate asset as his holding of assets are out of his lawful

earnings. A further submission is, income of individual family members cannot be clubbed with that of income of the applicant to reach to conclusion of disproportionate holding of assets. A further submission is made that a relative who is residing abroad has given hand loan of approximately Rs. 25 Lakhs.

3 The learned APP submits that preliminary inquiry reveals that holding of assets by the applicant are 70% excess to his known lawful source. The same *prima facie* appears to be disproportionate, to the known source of income. He would rely upon investigation carried out till date.

4 Having appreciated respective submissions and the material collected during investigation, it is *prima facie* noticed that the holding of assets by the applicant is highly disproportionate to the known source of income of the applicant viz. his income from salary. About 70% of holding of disproportionate assets cannot be justified based on alleged overseas hand loan.

5 That being so, in my opinion, no case for grant of pre-arrest bail is made out. Application fails, stands rejected.

6 Though the prayer for extension of ad-interim relief is opposed, Considering that the applicant is a public servant, ad-interim protection is continued for a period of two weeks.

[NITIN W. SAMBRE, J.]