

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

CRIMINAL APPLICATION (BA) NO.76 OF 2019

(Sunil Vitthalrao Botare Vs. The State of Maharashtra thr. Dy. S.P. A.C.B., Amravati & PSO PS Yavatmal City, Tah. & Dist. Yavatmal)

CRIMINAL APPLICATION (BA) NO.83 OF 2019

(Mukund s/o Kashinath Kulkarni Vs. The State of Maharashtra thr. PSO PS Yavatmal City, Tah. & Dist. Yavatmal)

*Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's Orders.*

Court's or Judge's orders.

 Shri M.P. Kariya, Advocate for Applicant [BA 76/2019].
 Shri Anil Mardikar, Senior Advocate for Applicant [BA 83/2019]
 Shri H.R. Dhumale, APP for Non-Applicant/State.

CORAM: M.G. GIRATKAR, J.

DATE: 7th FEBRUARY, 2019.

In both the application applicants are public servant they are arrested for the offence punishable under Section 7, 7(a), 15 of the Prevention of Corruption Act and Section 384 and 385 of IPC. Application for bail of both the applicants came to be rejected on the ground that co-accused is absconding and investigation is in progress.

Shri Dhumale, learned APP has strongly objected both the application on the ground that one of the accused absconding and some documents are yet to be recovered.

The learned Senior Advocate has pointed out anticipatory bail application moved by the absconding accused. In a trap case generally the investigation is to be completed on the very day or on the next day. The main documents/investigation are in respect of pre-trap and post

trap *panchnama*. That appears to be done. Hence, the applicants are entitled for bail.

Applications are allowed.

The applicants be released on bail on furnishing PR bond in the sum of Rs.25000/- with one solvent surety in the like amount on following conditions.

- [a] They shall cooperate investigating agency.
- [b] They shall remain present in the office of ACB, Amravati on every working Saturday till the filing of the charge-sheet.
- [c] They shall not pressurize any witnesses.
- [d] They shall not tamper the evidence of prosecution witnesses.
- [e] They shall attend the trial Court on each and every date.
- [f] They shall not leave the jurisdiction of trial Court without prior permission.
- [g] Breach of any condition amounts to cancellation of bail.

JUDGE