

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

Criminal Application (BA) No.189 of 2020
Shaikh Usman Shaikh Shabbir Vs. State Through Police City Kotwali, Akola

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

Court's or Judge's orders

Mr. T.U. Tathod, Advocate for the applicant
Ms. H.N. Jaipurkar, APP for the respondent - State

CORAM : MANISH PITALE, J.

DATED : JUNE 09, 2020

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. The applicant herein is seeking bail as he was arrested on 01/02/2020, the date on which the FIR was registered under Section 7(a) of the Prevention of Corruption Act, 1988. The allegation against the applicant is that he had sought illegal gratification for helping the complainant in sanction of medical bill pertaining to his daughter.

3. The material shows that the trap was laid twice in the present case, but, it apparently failed. Apart from this, it is pointed out by the learned counsel appearing for the applicant that the applicant was granted interim bail on the basis of recommendations of High Powered Committee in the face of the Covid 19 crisis and that he was initially released on interim bail of

45 days which was later extended for 30 days and such period is expiring in near future.

4. Having perused the material on record, it appears that the applicant had retired from service on 02/08/2019 itself and that the alleged incident took place some time in December 2019. Apart from this, it is evident that the applicant was behind bars for almost for two months.

5. In this situation, the learned APP opposed grant of bail primarily for the reason that there was possibility of the applicant influencing the witnesses and tampering with the evidence if enlarged on bail.

6. This Court is of the opinion that apprehension expressed by learned APP can be addressed by imposing appropriate conditions on the applicant.

7. In view of above, the application is allowed in the following terms :

(a) The applicant is directed to be released on bail in connection with Crime No. 26/2020 dated 01/02/2020, registered at Police Station City Kotwali, Akola on furnishing PR bond of Rs.25,000/- (Rs. Twenty Five Thousand) and surety in like amount.

(b) The applicant shall attend the aforesaid Police Station on the first and fourth Monday of each month, till filing of chargesheet.

(c) The applicant shall co-operate with the investigation and he shall not in any manner tamper with the evidence or influence the prosecution witnesses.

8. The application stands disposed of.

9. This order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

MP Deshpande