

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

CRIMINAL BAIL APPLICATION (ABA) 285 OF 2020

(Dr. Praveen Madhukar Gantawar & anr..vs.. State, thr PSO, PS, Sitaburdi & anr.)

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

Court's or Judge's orders.

Mr. Avinash Gupta, senior counsel assisted by
Mr. P. Abhyankar, counsel for applicants.
Mr. N.R. Rode, APP for non-applicants.

CORAM: ROHIT B. DEO, J.

DATE:22.12.2020.

Heard.

2. The applicants, who are Medical Practitioners, are apprehending arrest in Crime 280/2020, registered with Police Station, Sitaburdi, Nagpur, for offence punishable under section 13(1)(b) of the Prevention of Corruption Act, 1988.

3. The substratum of the prosecution case is that the applicants, who are Medical Officers in the Class-1 cadre of the Nagpur Municipal Corporation amassed wealth of Rs. 2.52 crores disproportionate to the known source/s of income.

4. The learned senior counsel Mr. Avinash Gupta would submit that the applicants are in a position to account for every penny and that irrefutably they were and are engaged in private practice and are the only partners of

Columbia Hospital. The learned senior counsel would submit that the calculation of the Anti Corruption Bureau is flawed and that while the assets of the said hospital are considered, the loans from financial institutions deployed to create the assets, is ignored.

5. Mr. N.R. Rode, the learned APP, who is assisted by the Investigating Officer and the Deputy Superintendent of Police (ACB) vehemently refutes the submission of Mr. Avinash Gupta. According to the learned APP, there is no error whatsoever committed in calculating the disproportionate wealth.

6. I have not considered it necessary to undertake minute examination of the material on record or for that matter to assess the material to ascertain the correctness or otherwise of the rival submissions. It would be ultimately for the trial Court, after the evidence is recorded, to take a call.

7. The Investigating Officer, who is personally present, fairly instructs the learned APP that since the charge is based on documents which are now in the possession of the Investigating Agency, custodial interrogation is not necessary. In view of the fair stand of the Investigating Agency, even if it is assumed that there is a prima facie case against the applicants, I am satisfied that pre-arrest protection can be extended since the investigation is not likely to be hampered.

8. In the event of arrest in Crime 280/2020, registered with Police Station, Sitaburdi, Nagpur, for offence punishable under section 13(1)(b) of the Prevention of Corruption Act, the applicants shall be released on furnishing P.R. Bond of ₹ 25,000/- each with a surety of like amount.

9. The applicants shall attend the Anti-Corruption Bureau as and when required by the Investigating Officer, till the filing of the chargesheet.

10. The applicants shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence.

11. The applicants shall not leave the country without the permission of the trial Court.

Judge