

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

CRIMINAL APPLICATION (BA) NO. 1010 OF 2020

Gautam s/o Keru Arwel, Akola

Vs.

State of Maharashtra

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

Shri Rohan Chandurkar, Advocate for the applicant.
Shri S.A. Ashirgade, A.P.P. for the respondent/State.

CORAM : PUSHPA V. GANEDIWALA, J.

DATED : NOVEMBER 26, 2020.

Heard Shri Chandurkar, learned counsel for the
applicant and Shri Ashirgade, learned A.P.P. for the
respondent/State, through Video Conferencing.

2. The applicant is said to be arrested on
September 29, 2020 in connection with Crime No. 420/2020
dated September 29, 2020 registered at Police Station City
Kotwali, District Akola for the offence punishable under
Sections 7(c) and 12 of the Prevention of Corruption Act,
1988.

3. The applicant is a Government Servant working
as a Probation Officer at District Women & Child
Development Office, Akola. The complainant Pramod
Madhukarrao Avghate runs Prerna Mahila Swadhar Gruh,
Murtizapur, District Akola. The said Sanstha provides
assistance to widow, divorcee and other needy women.

4. The allegation against the present applicant along with the main accused Yogesh Jawade is that the main accused Yogesh demanded Rs.2,50,000/- as a bribe to forward the proposal for the Society for grant of 14,50,000/- to the office of the Commissioner, Women and Child Development, Commissionerate, Pune, through his close associate (the present applicant).

5. Learned counsel for the applicant submits that to cover the mis-management in the complainant's Sanstha, a false report came to be lodged against the present applicant and the co-accused Yogesh and thus prayed for releasing the applicant on bail.

6. Per contra, learned A.P.P. opposed the bail application through the reply affidavit filed on record.

7. I have considered the submissions put forth on either side and perused the record.

8. At the outset, the applicant being in Government Service, there is no likelihood of his being absconding or he would jump the bail. He does not appear to be the main accused. Only because the main accused is absconding, bail to the present applicant cannot be denied.

9. Furthermore, it is brought to the notice of this Court that there was a delay of more than one year in lodging F.I.R. from the date the complaint was sent to the Anti Corruption Bureau. Apart from demand of

Rs.2,50,000/- by the main accused Yogesh through this applicant, there is no other substantive material, at this stage, found against the present applicant. Substantial part of the investigation appears to be completed.

10. Therefore, this Court is of the opinion that no purpose would be served in keeping the applicant behind the bar. Hence, the following order :-

ORDER.

- i. The Criminal Application is allowed.
- ii. The applicant be released on bail on his furnishing PR bond in the sum of Rs.20,000/- (rupees twenty thousand) with one solvent surety in the like amount.
- iii. The applicant shall not tamper with the prosecution evidence.

11. The Criminal Application is disposed of accordingly.

12. The aforesaid observations is only for granting bail to the applicant and it shall not come in the way of the trial Court during trial.

JUDGE