

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

940 BAIL APPLICATION NO.437 OF 2021

HIRAMAN RAOSAHEB GALPHADE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Thombre S. S.
APP for Respondent – State : Mr. A. M. Phule

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 29-04-2021

ORDER :-

1. Present applicant came to be arrested in connection with Crime No.100 of 2021 registered with Majalgaon City Police Station, Dist. Beed for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988. Present application has been filed under Section 439 of the Code of Criminal Procedure.

2. Heard learned Advocate Mr. S. S. Thombre for the applicant and learned APP Mr. A. M. Phule for the respondent. In order to cut short, it can be said that both of them have made submissions in support of their respective contentions.

3. Perusal of the FIR would show that it has been lodged by one Yogesh Suryakant Solanke with ACB office. Said Yogesh Solanke is a

contractor and he states that the present applicant, who was Incharge Deputy Engineer, was demanding amount of Rs.12,000/- for signing on the bills submitted by him. It appears that the trap was arranged on 31.03.2021 and the applicant was found possessing the tainted amount to the extent of Rs.6,500/-. The learned Special Judge under Prevention of Corruption Act/Additional Sessions Judge, Majalgaon rejected the application filed by the present applicant under Section 439 of the Code of Criminal Procedure on 03.04.2021 on the ground that it is an economic offence and that the investigation is still pending. It is to be noted that, no doubt, it is an economic offence and the government servants are expected to do their duties honestly without getting any illegal gratification, yet, taking into consideration the punishment provided for the offence, the fact that the applicant is also a public servant and there is no chance of he getting absconding ought to have also been considered by the learned Special Judge. A balance will have to be struck when it comes to the economic offence and its seriousness, impact of the same on the society, the possibility of applicant fleeing away from the legal clutches and whether it would be possible to take up the matter immediately for trial. In such pandemic situation, it will not be possible for the learned Special Judge to take up this matter for recording of evidence, and therefore, the application ought to have been

allowed. Hence, the following order :-

ORDER

- 1) Application stands allowed.
- 2) Applicant – Hiranman s/o Raosaheb Galphade, who has been arrested in connection with Crime No.100 of 2021 registered with Majalgaon City Police Station, Dist. Beed, for the offences punishable under Section 7 of the Prevention of Corruption Act, be released on P.R. and S.B. of Rs.15,000/- each.
- 3) He shall attend the concerned police station once in second and fourth week of the month till filing of charge-sheet.
- 4) He shall not tamper with the evidence of the prosecution in any manner.
- 5) He shall co-operate with the investigation.
- 6) He shall not involve himself in any criminal activity.
- 7) Bail before the Trial Court.

[SMT. VIBHA KANKANWADI, J.]

scm