

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

904 ANTICIPATORY BAIL APPLICATION NO.727 OF 2021

Pradeep s/o Deelip Veer,
Age; 33 years, Occ; Government
Service, At present working as
Police Constable (Writer) in the Office
of the Anti-Corruption Bureau, Beed,
R/o; Prakash Ambedkar Nagar,
Barshi Naka, Beed, Taluka and
District Beed.

...Applicant
(Accused No. 2 in F.I.R.)

VERSUS

- 1) The State of Maharashtra,
Through the Officer Incharge,
Beed City Police Station,
District; Beed.
- 2) The Superintendent of Police,
Aurangabad.

...Non Applicants.

WITH

904 ANTICIPATORY BAIL APPLICATION NO.726 OF 2021

Rajkumar s/o Saisingh Padvi,
Age; 37 years, Occ. Government Service,
Police Inspector,
Anti Corruption Bureau, Beed.
Anti Corruption Bureau, Aurangabad),
R/o; G.R.B. Keskar, Near Sudhakar
Nagar, Behind Kamalnayan Bajaj
Hospital, Satara Parisar, Aurangabad,
Taluka and District; Aurangabad.

...Applicant
(Accused No. 1 in FIR)

VERSUS

- 1) The State of Maharashtra,
Through the Officer Incharge,
Beed City Police Station,
District; Beed.
- 2) The Superintendent of Police,
Anti-Corruption Bureau,
Aurangabad.

...Non Applicants.

...
Advocate for Applicant : Mr. Rajendra Deshmukh (Learned Senior
Counsel) i/by Mr. Deshmukh Devang R.
APP for Respondents-State : A.V.Deshmukh
...

CORAM : SANDEEP K. SHINDE , J.

DATE : 16th July, 2021.

P. C. :

1. Heard Mr. Rajendra Deshmukh, learned Senior Counsel
for applicants and learned APP for State.

2. Applicant in applicant No. 726 of 2021 is a Police Officer,
attached to Anti Corruption Bureau, at present at Aurangabad;
whereas, applicant in application No. 727 of 2021 is a Police Writer,
attached to the office of Anti Corruption Bureau, Beed. Both are
apprehending arrest in connection with Crime No. 119 of 2021, dated
14.6.2021, registered with Beed City Police Station, for the offences
punishable under Section 7 and 12 of the Prevention of Corruption
Act ('Act' for short). Thus, these are the applications under Section
438 of the Code of Criminal Procedure ('Act' for short).

3. Complainant is one Jamaluddin @ Jammu Noor Mohammad Shaikh. His brother Sk. Noor Mohammad is an accused in Crime No. 139 of 2021 registered with Majalgaon Rural Police Station, under Section 7 of the Act. Applicant Padavi is the investigating officer in this crime. It may also be stated that on 09th June, 2020, crime No. 266 of 2020 was registered under Section 7 of the Act against Dadasaheb Andhale, Revenue Officer (Talathi). This crime is also investigated by applicant Padavi. Complaint lodged by Jamaluddin, imply that Padavi allegedly agreed to favour the brother of complainant in Crime registered against him, being investigating officer, and in consideration of this favour, Padavi demanded Rs. 50,000/- from him. Complaint and other material on record suggest the conversation between complainant and the Padavi, spelling out the alleged illegal demand of gratification was recorded by Jamaluddin in a audio recorder allegedly provided by Andhale (Talathi). Whereafter, Jamaluddin made complaint to the Director General of Anti Corruption Bureau, against Padavi for the alleged demand of Rs. 50,000/-. Pursuant thereto, an inquiry was conducted by the Superintendent of Police, ACB, Beed, wherein, statements of complainant and Andhale (Talathi) were recorded. Order passed by the learned Sessions Judge refusing the pre-arrest bail to the applicant conveyed that, Superintendent of Police. ACB, Beed, had directed to lodge the complaint against Padavi, however,

complaint filed by Jamaluddin does not indicates this fact.

4. Any way, Mr. Deshmukh, learned Senior Counsel for the applicants submitted that, Andhale (Talathi) is an accused in Crime No. 266 of 2020 was in incessantly making efforts to implicate and involve Padavi into a false case, so as to influence the investigation in a crime registered against him. Mr. Deshmukh, learned Senior Counsel for the applicants submitted that Andhale (Talathi) had made available audio tape recorder to Jamaluddin to record conversation between Padavi and Jamaluddin. To fortify this submission, Mr. Deshmukh, learned Senior Counsel for applicants, invited my attention to the letters dated 16th October, 2020 and 16th April, 2021 addressed by Padavi to the Director General of Anti Corruption Bureau. These two letters imply that Padavi was apprehending trouble at the hands of Andhale (Talathi), on a false and concocted allegations. Letters also suggest that Andhale (Talathi) was interfering with the investigation.

5. In the backdrop of these facts, Mr. Deshmukh, learned Senior Counsel for the applicants would submit that even assuming but without admitting that the allegations in the complaints were correct but the fact remains, the applicants' custodial interrogation will not further the prosecution case, in as much as, except the

alleged demand, there is neither recovery or such other material to suggest that the custodial interrogation as inevitable.

6. In consideration of the facts of the case, as stated above, except demand, there is nothing more to be verified and therefore, the custodial interrogation of the applicants is not required. Additionally, applicants are the public servants and if remanded to the police custody, it may have far reaching effects and would definitely malign their image in the society. So far as, voice sample of the Padavi is concerned, applicant Padavi shall give such sample to the Investigating Officer as and when required by him and shall also join the investigation as and when required by the Investigating Officer. In consideration of the facts aforesaid, applications are granted, hence following order.

ORDER

7. (i). In the event of arrest of applicants in both applications in connection with crime No. 119 of 2021 registered with Beed City Police Station, Beed for the offences punishable under Sections 7 & 12 of the Prevention of Corruption Act, they shall be released on bail on executing P.R. bonds each in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) each with one or two sureties in the like amount.

(ii) Applicants shall join the investigation as and when required by the Investigating Officer.

(iii) Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

8. Applications are allowed and disposed of.

(SANDEEP K. SHINDE)
JUDGE

mahajansb/