

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 870 OF 2021

HANMANT SHAMRAO KADAM
VERSUS
THE STATE OF MAHARASHTRA

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Mr. P.P. Uttarwar, Advocate for the applicant,
Mr. N.T. Bhagat, APP for the respondent.

CORAM : V.G. BISHT, J.

DATE : 26th August.2021.

PER COURT:

1] This is an application under Section 438 of Cr.P.C. preferred by the applicant seeking grant of pre-arrest bail in connection with Crime 167 of 2021, registered with Police Station Kasar-Sirsi, Dist. Latur , for the offences punishable under Sections 7 and 12 of the Prevention of Corruption Act.

2] It is the case of the prosecution that one Vinayak Manik Mare, proprietor of a Kirana shop at Purupatelwadi, Taluka Nilanga, Dist. Latur contacted the Deputy Superintendent of Police, Anti-corruption Bureau and gave a complaint of government servant that there was demand of monies for verification and stamping of his weighing machine. The trap was accordingly arranged and accused – Janardan Nagorao Tate was arrested and an amount of Rs.1800/- came to be seized from him. It

is also alleged that when accused Janardan Tate was demanding the bribe amount, he had also given a call on the mobile of present applicant - Peon and loud speaker of the mobile was kept on. It is further alleged that the present applicant also demanded the fees of Rs. 1,000/- plus extra fees of Rs.800/- towards the bribe amount.

3] Mr. Uttarwar, learned counsel for the applicant submits that the original demand of bribe was from main accused, namely, Janardan Tate and the present applicant was, in no way, concerned with the demand of monies. According to learned counsel, the main accused was not only trapped but has already been released on regular bail and, therefore, in such circumstances, the present applicant also deserves to be given the benefit of pre-arrest bail.

4] Mr. N.T. Bhagat, learned APP, on the other hand, would oppose the submissions by contending that the present applicant and the main accused, both had indulged in demanding the bribe amount and in fact, had a conversation on mobile. In such circumstances, the custody of the present applicant is necessary.

5] It is pertinent to note that the main accused has already been released on bail. It is also clear from the FIR that it was the main accused, who had a word with this applicant through his mobile and in such situation, it is the mobile of the main accused which matters for the purpose of investigation. As already noted, the main accused has been admitted on regular bail. There is no reason to deny the benefit of pre-arrest bail to the present applicant. I am, therefore, inclined to allow the application with certain conditions. Hence, the following order :-

: O R D E R :

[I] In the event of arrest of the applicant in connection with Crime No.167 of 2021, registered with Police Station Kasar-Sirsi, Dist. Latur , for the offences punishable under Sections 7 and 12 of the Prevention of Corruption Act, the applicant be enlarged on bail on his furnishing PR Bond in the sum of Rs. 20,000/-, with one or two sureties in the like amount.

[II] The applicant shall attend the concerned police station as and when called and shall cooperate with the police in the investigation.

[III] He shall not tamper with the evidence.

6] The application stands disposed of in aforesaid terms.

[VG. BISHT]
JUDGE.

grt/-