

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

960 BAIL APPLICATION NO. 1010 OF 2021

Aashishkumar Bapurao Biradar
(Named as Aashish Biradar in FIR)
Age : 43 years, Occ : Service,
R/o Wadmurambi, Tq. Devni, Dist. Laur,
At Present Government Quarter, Sonpeth
Tq. Sonpeth, Dist. Parbhani. ... APPLICANT

VERSUS

The State of Maharashtra
Through Police Station,
Sonpeth, Dist. Parbhani. ... RESPONDENT

WITH

960 BAIL APPLICATION NO. 998 OF 2021

Sayyad Issa s/o. Sayyad Rahim
Age : 28 years, Occ : Service,
R/o Kasar Galli, Sonpeth,
Tq. Sonpeth, Dist. Parbhani. ... APPLICANT

VERSUS

The State of Maharashtra
Through Police Station,
Sonpeth, Dist. Parbhani. ... RESPONDENT

Shri. Sudarshan J. Salunke, Advocate for the applicants
Shri. D. R. Kale, APP for the respondent/State

CORAM : M. G. SEWLIKAR, J.

DATED : 7th September, 2021

PER COURT :-

1. Heard.

2. It is the prosecution case that the applicant is the Tahasildar. The complainant alleged that he had the information that the applicant would not allow the truck of sand to pass without accepting Rs. 55,000/- per truck. He made enquiries with other truck owners and after he was satisfied that the applicant would not allow his truck to pass unless amount of Rs.55,000/- was paid he lodged the complaint with Anti Corruption Bureau. After lodging of the complaint the Dy.S.P. and other officers swung into action. Usual procedure of soliciting services of government employees as panchas, confirmation of the demand made by the applicant was carried out and the trap was laid. Initially the applicant was not found at the office. Therefore, on another day again trap was laid. Applicant in Application No. 998 of 2021 Sayyad Issa Sayyad Rahim who is a Computer Operator employed on contract basis accepted the amount of Rs. 55,000/-. After the amount was accepted, the applicant in Application No. 998 of 2021 Sayyad Issa Sayyad Rahim was apprehended. On his interrogation name of

applicant Tahasildar was revealed. Fingerprints of the applicant were examined in ultraviolet lamp rays. When it turned blue, panchnama was drawn usual procedure was followed applicant Tahasildar was also apprehended. After completion entire procedure, FIR was lodged. Thereafter, the applicant was produced before the Special Court. Special Court rejected the application only on the ground that the applicant is likely to pressurise the witnesses.

3. Learned counsel Shri. Salunke for the applicant submitted that this false FIR has been lodged against the applicant only for the reason that he took stern action against sand mafias. He submitted that the applicant approached the Anti Corruption Bureau without even meeting the Tahasildar. He submitted that the complaint lodged with Anti Corruption Bureau by the complainant does not show that he had first approached the Tahasildar and the Tahasildar had made any demand of bribe. Without there being any demand the complainant approached the Anti Corruption Bureau with the complaint. He submitted that offence is punishable with imprisonment for 7 years. He

further submitted that the applicant being a government servant will be available for trial and will not flee from justice.

4. Learned APP submitted that offence is serious in nature. Applicant had made demand of Rs. 55,000/-. The modus operandi of the applicant does not permit him to be released on bail. He, therefore, prayed for rejection of the application.

5. It appears from the complaint that the applicant did not meet the Tahasildar and that the Tahasildar had made any demand. The complaint does not show that applicant had made demand of Rs.55,000/- before the complainant approached the Anti Corruption Bureau. Entire investigation is complete. Only the formality of filing the charge-sheet seems to have been left. Both the applicants are government servants. They do not have any criminal background. They are not likely to flee from justice. In this view of the matter, I am inclined to release the applicant on bail. Hence the order.

ORDER

1. Applications are allowed.
2. Applicants be released on bail on their furnishing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with one solvent surety in the like amount in connection with CR No. 179 of 2021 under Sections 7, 12 of the Prevention of Corruption Act registered with Sonpeth Police Station, Dist. Parbhani on condition that they shall not tamper the prosecution evidence and shall attend the concerned police station as and when required by the Investigating Officer to do so.
3. Applications are disposed of.

[M. G. SEWLIKAR, J.]

ssp