

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

20 ANTICIPATORY BAIL APPLICATION NO.1352 OF 2021

**CHANDRAKANT PRAKASH SHELKE
VERSUS
THE STATE OF MAHARASHTRA**

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Mr. Rajendra Deshmukh, Senior Advocate, a/w Mr. G.A.Kulkarni and Vishal A.Chavan i/b Mr. Devang R.Deshmukh, Counsel for applicant
Mr. D.R.Kale, APP for the respondent-State

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CORAM : PRAKASH D. NAIK, J.

DATE : 22nd NOVEMBER, 2021

PER COURT:

1] In anticipation of arrest in Crime No.0352 of 2021, registered at Paithan Police Station, District-Aurangabad, for the offences punishable under Sections 7(A) and 12 of the Prevention of Corruption Act, the present application has been filed.

2] It is the case of the prosecution that on 22nd October, 2021, the informant met the applicant in his office where the applicant told him to see one Mr. Wagh, who demanded a bribe on behalf of the applicant outside his chamber. The trap was arranged. However, the same was cancelled.

3] The learned Senior Counsel for the applicant submits that the applicant has unblemished service career of last more than 17 years to his credit. The services of the applicant have been appreciated time and

again by the superiors. The learned Senior Counsel further submits that there is no iota of evidence to connect the applicant with the alleged crime. According to him, the foundation of the report itself seems to be false. The informant's friend namely Kakasaheb has absolutely no agriculture land at village Gadhegaon, Taluka Paithan. He further submits that there was no work to be done by the applicant as he was not authorized and had no power to grant any permission, for which the alleged demand was made. The learned Senior Counsel further contended that the co-accused Wagh is not a public servant and the applicant has absolutely no concern with him and he even does not know him.

4] The applicant was granted interim protection by this Court vide order dated 2nd November, 2021. with the direction, that he shall attend concerned police station on every Sunday between 11.00 am to 2.00 pm. It is not disputed that the applicant has reported the Investigating Officer. The voice sample of the applicant has been obtained for the purpose of investigation. The applicant contends that the cell phone was also shown to the investigating officer, which was scrutinized by him but not seized.

5] Learned APP submits that there is a involvement of the applicant. Direct demand of the bribe amount was made by the co-accused, who has been arrested and granted bail.

6] From the record, it appears that there is no direct conversation of demand of money being recorded during the course of the investigation. It is alleged that the co-accused had demanded money and the applicant was allegedly supporting the demand. The said accused has been arrested and granted bail. Looking at the nature of the evidence and the fact that the custody was sought for recording of voice sample and recovery of cell phone, the applicant need not be subjected to custodial interrogation. The interim protection granted by this Court, deserves to be confirmed. Hence, I pass the following order.

ORDER

- (i) Anticipatory Bail Application No.1352 of 2021 is allowed.
- (ii) Interim order passed on 2nd November, 2021 is confirmed.
- (iii) In the event of arrest of applicant in connection with CR No.0352 of 2021 registered with Paithan Police Station, Dist. Aurangabad, the applicant be released on bail on his executing PR. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount.
- (iv) Applicant shall report Investigating Officer as and when called for, till filing of charge-sheet.
- (v) Application stands disposed of.

(PRAKASH D. NAIK, J.)