

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 365 OF 2020

Satish Saudagar Kshirsagar Applicant

Versus

The State of Maharashtra and Anr. Respondents

Mr. Kuldeep U. Nikam, for the applicant.

Mr. S.H. Yadav, APP for the State/Respondent No.1.

**CORAM : SARANG V. KOTWAL, J.
DATE : 15th FEBRUARY 2021**

P.C. :

1. The Applicant is seeking Anticipatory Bail in connection with C.R. No. 38 of 2020, registered at Bundgarden Police Station, Pune under Section 7 and 7(a) of the Prevention of Corruption Act, 1988.

2. Heard Mr. Kuldeep Nikam, learned Counsel for the applicant and Mr. S.H. Yadav, learned APP for the State.

3. The FIR is lodged on 21/1/2020 by one Bhagwan Tangade. The informant had taken loan from

one Bhimrao Ardand. The informant's land was mortgaged with the money lender. Even after the principal amount and interest were returned, the land was not re-transferred in the name of the informant. The informant had therefore, approached Additional Registrar for Co-operative Societies. A Revision Application was pending before the concerned authority Dr. Anand Jogdand. It is mentioned in the FIR that, said Jogdand demanded Rs. 1 lakh each from the two victim for passing orders in their favour. He had directed the victims to meet his subordinate Mr. Zine. Thereafter, the informant approached Anti Corruption Bureau and lodged his complaint. A trap was arranged for verification of the demand. According to the first informant, one Gite telephonically told the informant that since the informant had not paid money, he had prepared an order against him and kept it for the signature of Jogdand. In the meantime, the informant met the present applicant who had in the past passed some order in his favour. It is alleged in the FIR that the applicant told the informant

that he was close to Jogdand and he could get his work done. The informant was told that he will have to spend Rs. 1 lakh for that. This conversation was recorded through audio recorder. Thereafter, nothing further took place but the FIR was lodged. Actually, the money was not paid nor was it accepted by any accused. But even then the FIR came to be lodged.

4. Learned Counsel for the applicant submitted that the alleged conversation had taken place in January 2020. The applicant has co-operated with the investigation. He had nothing to do with passing or rejecting the order. It was not his job. The allegations against him are not based on factual position.

5. Learned APP on instructions stated that the applicant has given voice sample for testing. He submitted that the conversation shows the applicant's involvement in this case. Learned APP on instructions makes a statement that Jogdand is not made an accused.

6. I have considered these submissions. Admittedly the main allegations are directed against one Jogdand and his other subordinates Zine and Gite. The applicant's role is described in later part of the FIR and even there he does not appear to be the main culprit. There was no prior discussion between the applicant and Jogdand in respect of informant's work,

7. In this view of the matter, since the bribe was not actually paid or accepted, at this stage, the applicant's custodial interrogation is not necessary. The applicant has already given his voice sample. He can be directed to co-operate with the investigating agency.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No. 38 of 2020 registered with Bundgarden Police Station, District Pune, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like

amount.

- (ii) The Applicant shall attend the concerned Police Station as and when called and shall co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)