

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

ANTICIPATORY BAIL APPLICATION NO. 481 OF 2021

Sardar Kerba Kamble Applicant

Versus

The State of Maharashtra Respondent

Mr. Nikhilesh Pote, for the applicant.

Smt. J.S. Lohokare, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE :25th MARCH, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 20 of 2021 registered at Bundgarden Police Station, Pune under sections 7 and 12 of the Prevention of Corruption Act, 1988.

2. Heard Mr. Nikhilesh Pote, learned counsel for the applicant and Smt. J.S. Lohokare, learned APP for the State.

3. The FIR is lodged by one Yashwant Shinde. He was appointed for three years by the Commissioner of Co-operative Society for conducting audit. There were certain allegations against the first informant and his name was to be deleted from the panel. The informant wanted continuation of his appointment. It is his case that one Tanaji Kavade and Lalitkumar Bhavsar who were working as Additional Registrar and Special Auditor for co-operative societies respectively, demanded Rs. 50,000/- for continuing of the informant's name on the panel. It is alleged that the informant approached Anti Corruption Bureau, Pune, to make complaint about this demand. During verification of this demand, certain conversations were recorded. In those conversations, applicant's name figured. It is alleged that the applicant had instigated or encouraged the informant to pay bribe. On this basis the FIR was lodged.

4. Shri Pote, learned Counsel for the applicant submitted that there is no demand or acceptance on the part of the present applicant. The applicant was only representing his department in

the inquiry proceedings. He does not have any power to grant any favour to the first informant. The informant himself had committed fraud and therefore he is not a reliable person. He submitted that the applicant had not even told the informant to pay bribe to a particular officer. The applicant is unnecessarily shown as an accused and his custodial interrogation is not necessary.

5. Learned APP produced investigation papers before me. She has produced transcription of the conversations.

6. I have considered these submissions. I have perused that transcript. It features, the informant, one Sarode and the present applicant. As far as Sarode is concerned, there are certain incriminating conversations. But as far as the present applicant is concerned, his conversations are quite vague. There is no specific sentence or utterance on his part which could be positively interpreted to mean that he had encouraged or instigated the first informant to pay the bribe. The main accused Bhavsar was caught

accepting bribe amount. The applicant had neither demanded or accepted bribe. The allegations and material against the present applicant are quite vague. Therefore, at this stage, the investigating agency does not have sufficient material against the present applicant warranting his custodial interrogation. The applicant can be directed to attend the concerned investigating agency and to co-operate with the investigation.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No. 20 of 2021 registered with Bundgarden Police Station, 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 Office of the concerned investigating agency as and when called and shall co-operate with the

investigation.

- (ii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)