

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

CRIMINAL BAIL APPLICATION NO.1529 OF 2021

Nilesh Rajendra Kore Applicant
Versus
The State of Maharashtra
Respondent

Mr. Rajendra Sorankar, Advocate a/w. Ketan Dabke, for the Applicant.

Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 23rd APRIL, 2021
[Through Video Conferencing]

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.289/2021 registered at Waliv police station, District-Palghar on 16.3.2021 under Section 7 of the Prevention of Corruption Act, 1988. The Applicant was arrested on 17.3.2021 and since then he is in custody. The charge-sheet is not yet filed. Learned A.P.P. states that the investigation is over and she has produced the investigation papers before me.

2. The FIR is lodged by one Bhim Yadav. He has stated that he was in the business of repair and construction work. He was given job of repair work by one Abdul Khan for his house. The first informant was supposed to take permission and carry out other miscellaneous work in that behalf. He had made an application in Vasai-Virar Municipal Corporation, Pelhar 'H' Ward on 26.2.2021 for repair works in that house. One week prior to lodging of the FIR, the present Applicant, who was working as Engineer with Vasai Virar Municipal Corporation, asked the informant to stop the repair works. He also demanded Rs.10,000/- as bribe amount if permission was to be given for such repair works. The informant approached the Anti Corruption Bureau, Thane on 15.3.2021 and gave a complaint. The officers arranged for verification of the demand. On 15.3.2021 itself in the evening, the informant met the Applicant near a petrol pump. At that time the Applicant demanded Rs.30,000/- for granting permission for Khan's house and for two rooms for which the repair work was already carried out by the

informant. The Applicant allegedly told the informant to meet him on the next day. On 16.3.2021, the Applicant was caught while accepting bribe from the first informant. On this basis, the FIR is lodged.

3. Heard Shri Rajendra Sorankar, learned Counsel for the Applicant and Ms. Pallavi Dabholkar, learned APP for the State.

4. Shri Sorankar, learned Counsel for the Applicant submitted that the offence is false. The Applicant had neither demanded nor accepted any bribe amount. He submitted that the FIR itself mentions that the Applicant was caught accepting bribe at about 11:10 a.m. on 16.3.2021. However, the house search panchnama shows that it was conducted between 2:15 p.m. to 9:15 p.m. and the Applicant was shown arrested on 17.3.2021. He, therefore, submitted that the discrepancy in the time itself shows that the trap and other proceedings were not true. He submitted that in any case the investigation is over and the Applicant's further custody is not necessary.

5. Learned A.P.P. produced the investigation papers before me and opposed this Application.

6. I have considered all these submissions. I have also perused the investigation papers. The investigation papers include the verification panchnama, pre-trap panchnama and post-trap panchnama. It also contains the conversation between the Applicant and the informant. At this stage, the prosecuting agency has sufficient material against the present Applicant.

7. Learned A.P.P. rightly submitted that there is no discrepancy in the time because the Applicant was formally arrested subsequently though he was apprehended earlier while accepting the bribe.

8. The investigation papers also contain statement of the Applicant himself. Therefore, at the first available instance he has denied demanding and accepting bribe.

9. As can be seen, the investigation in this case is almost over. The bribe amount was to the tune of

Rs.30,000/-. The Applicant's further custody is not really necessary for investigation purposes. The Applicant does not have any other antecedent.

10. In this view of the matter, the Applicant can be released on bail. Hence, the following order :

ORDER

- (i) In connection with C.R.No.289/2021 registered with Waliv police station, District-Palghar, 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) Looking at the prevailing circumstances, it may not be possible to the Applicant to furnish sureties immediately. Therefore, initially the Applicant is permitted to furnish cash bail for the same amount. The Applicant will have to furnish the sureties, as directed, within three months from today.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)