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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2835 OF 2021**

MRS SANGITA ATUL TAKLE

....Applicant.

V/s

THE STATE OF MAHARASHTRA

.....Respondent

Mrs. Manisha Jagtap a/w Sairuchita Choudhary a/w Akash Pandey
a/w Rhea Francis i/b J. Shekhar & Co. for the Applicant.

Mr. A.R. Kapadnis, APP for the Respondent/State

Nilin Jadhav, ACP, ACB Mumbai Unit, present.

CORAM: NITIN W. SAMBRE, J.

DATE: NOVEMBER 26, 2021

P.C.:-

1] Applicant is occupying the post of public servant in the office of MMRDA and is armed with powers to recommend allocation of rooms in developed property to project affected persons. Complainant was one such qualified person. It is his case that on behalf of Applicant, co-accused, a public servant, working under her, demanded bribe of Rs 1,50,000/- which was subsequently settled at 1,20,000/-.

2] It appears that the said amount of Rs 1,20,000/- was accepted by co-accused Joshi. As such, he was caught red-handed by the Officer of the Respondent. The said public servant as a part of investigation was

made to call present Applicant on her mobile. The conversation speaks of said public officer intimating the Applicant about receipt of the amount from the complainant and sought her response on the apportionment. Based on recorded telephonic conversation between the public servant Mr. Joshi and present Applicant, Applicant is roped in Crime No. I-47 of 2021 registered with Anti Corruption Bureau punishable under Sections 7, 7(a) & 12 of Prevention of Corruption Act, 1988.

3] Submissions of learned Counsel for the Applicant are, Applicant is falsely implicated in the crime, as in pre-trap panchanama, there is no specific mention that Applicant demanded bribe from the complainant through co-accused public servant who was trapped. She would further invite my attention to transcript of conversation referred to in the pre-trap panchanama so as to claim that Applicant never made demand.

4] Learned APP would urge that there is strong prima facie case against the Applicant, as admittedly public servant who was trapped was working under the Applicant and on mobile phone Applicant has

responded to the call about receipt of bribe amount of Rs 1,20,000/-.

According to him, there is enough material on record to connect the Applicant to the crime in question.

5] Considered submissions.

6] With the assistance of learned APP, I have perused the investigation papers, complaint and the pre-trap panchanama. It appears that entire conversation was with the complainant and the co-accused Joshi, who was trapped having caught red-handed while accepting the bribe amount of Rs 1,20,000/-. After the said co-accused Joshi was trapped by the Respondent, he was made to connect the present Applicant through mobile so as to intimate the Applicant about the payment received from the complainant.

7] The trap panchanama and the complaint in categorical terms speaks of mobile getting disconnected because of signal disturbance. As such thrice, said call got disconnected. It appears that as such mobile link between the Applicant and the co-accused Joshi got disconnected and there appears to be loss of continuity in the

conversation. As a consequence of above, from the transcript, it is difficult to infer that Applicant has acknowledged to have demanded bribe in question. Once prima facie it cannot be noticed that there was a direct demand made by the Applicant or through Joshi to Ahmed-the complainant, it is difficult to infer that bribe amount was accepted by the co-accused on behalf of the Applicant.

8] Apart from above, though bribe amount was accepted by co-accused, at no point of time, complainant was taken by co-accused to the Applicant so as to confirm the demand of bribe for processing his request for allotment of tenement. I am informed that there are no similar antecedents against the Applicant. That being so, Applicant, being public servant who is readily available for investigation, in my opinion, deserves protection.

9] In the event of the arrest of the Applicant in Crime No. I-47 of 2021 registered with Anti Corruption Bureau punishable under Sections 7, 7(a) & 12 of Prevention of Corruption Act, 1988, Applicant be released on bail in the sum of Rs 25,000/- with one or two sureties in the like amount. Applicant shall attend the Investigating Officer

from 29th November, 2021 to 4th December, 2021 between 10.00 A.M. and 2.00 P. M and thereafter as and when directed by the Investigating Officer. Applicant shall not directly or indirectly try to influence the prosecution witnesses and tamper with the evidence.

10] Counsel for the Applicant assures that voice sample of the Applicant during search/attendance shall be provided to Investigating Officer and entire original record in relation to the matter in question shall not be dealt with. Counsel for the Applicant on instructions further assures that said original file in relation to allotment in favour of the complainant shall be handed over to the Officer of the Respondent today i.e. 26th November, 2021 by 4.00 P.M. provided Officer of the Respondent visits the Office of the Applicant for collecting the same.

11] Application is disposed of.

(NITIN W. SAMBRE, J.)