

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.574 OF 2021

Arun s/o Nanarao Gawande

..vs..

State of Maharashtra, thr. P.S.O. and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.R. Vyas, Advocate h/f Mrs. Sonali Saware, Advocate for
applicant.

Shri H.D. Dubey, A.P.P. for non-applicants/State.

CORAM : VINAY JOSHI, J.

DATED : 27/09/2021

Heard.

2. In anticipation of arrest in Crime No.445 of 2021 registered with the Barshi Takli Police Station District Akola for the offence punishable under Section 7 of the Prevention of Corruption Act, applicant is seeking for pre-arrest protection.

3. It is the prosecution case that the applicant who is serving as a Assistant Police Inspector (public servant) has demanded bribe to the original informant for not taking any action against him under M.P.D.A. Act. It is stated in the report that the applicant initially demanded bribe of Rs.8,000/- out of which Rs.5,000/- were already paid and Rs.3,000/- were remained. On 12.08.2021, verification Panchanama was made, of which telephonic conversation was recorded. It is

stated that at relevant time, the applicant demanded Rs.2,000/-, however, later on, he never met the original informant to take the money as demanded.

4. Perused the case diary and the transcribed conversation. *Prima facie*, it reveals that, both were conversant with each other and it is a matter of trial whether the conversation can be construed as a demand of bribe. Already verification Panchanama was drawn. As per the prosecution case itself, there was no acceptance of bribe amount. The State has not pointed out any specific reason for custodial interrogation. Admittedly, the applicant has also given his voice samples to the Investigating Agency and the applicant has attended the concerned Police Station as per order of this Court. Having regard to these facts, following order :

- (a) The Criminal Application stands allowed.
- (b) Ad-interim order dated 02.09.2021 is hereby made absolute on same terms and condition.
- (c) The applicant shall continue to attend the Police Station till filing of the charge-sheet or for the period of six months, whichever is earlier.

JUDGE