

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

936 BAIL APPLICATION NO.526 OF 2022

Manohar s/o Laxmanrao Khillari
Age: 56 years, Occu.: Service.

..Applicant

VERSUS

The State of Maharashtra
Through Anti-Corruption Bureau,
Dist.Hingoli.

..Respondent

Advocate for Applicant : Mr.C.P. Sengaonkar
APP for Respondent : Mr.B.V.Virdhe

CORAM : SMT. VIBHA KANKANWADI, J.

DATE: 22nd April, 2022

ORDER :-

1. Applicant has been arrested on 15th March, 2022 in connection with Crime No.0050 of 2022 registered with Aundha Nagnath Police Station, District Hingoli, for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988, on the basis of complaint lodged by one Ramdas Rangrao Kardile. Present application has been filed under Section 439 of the Code of Criminal Procedure.

2. Heard Mr.C.P.Sengaonkar, learned Advocate for the applicant and Mr.B.V.Virdhe, learned APP for the respondent. They have made submissions in support of their respective contentions.

3. It has been alleged that the present applicant, who is a public servant serving as Block Development Officer has demanded illegal gratification of Rs.5,000/- for issuing certificate for commencement. The trap then has been laid and on 15th March, 2022, it is stated that he was caught raid handed with the tainted amount.

4. Police papers would show that substantial part of the investigation is over. His application is stated to have been rejected by the learned Special Judge under the Prevention of Corruption Act, Basmathnagar on the count that statements of certain witnesses, who are the employees from the same Office, are yet to be recorded and if the applicant is released on bail, he may influence those employees.

5. It is to be noted that the complaint was filed and accordingly raid was conducted. As per the prosecution, the applicant was caught raid handed and now nothing is to be recovered from the applicant. Statements of witnesses have also been recorded and most of them are the public servants or the Government employees. Therefore, there is no question of tampering with the evidence of the prosecution.

6. The learned APP has strongly pointed out that applicant was involved in similar crime earlier i.e. Crime No.239 of 2020 for the offence punishable under Sections 7(A), 7(C), 12 of the Prevention of Corruption Act, registered with Kalamnuri Police Station, District Hingoli and while on bail which was granted by the Special Court on 29th January, 2021, he has committed the second offence and therefore, he does not deserve to be released on bail.

7. No doubt there appears to be a previous offence against the present applicant, however, according to the applicant sanction has not been received and yet charge-sheet is not filed in that case. Learned Special Judge, Hingoli had granted bail to the present applicant on 29th January, 2021. In view of the new Rule, the present applicant is deemed to be suspended in view of his custody since 15th March, 2022. Under such circumstance, unless by operation of law he is taken in service, there is no question of repetition of crime. Definitely in this particular case, it will take long time to stand the trial and therefore, when practically nothing is to be recovered from him, his physical custody is not required. Hence, the application deserves to be allowed.

ORDER

- i) Bail Application stands allowed.
- ii) The Applicant - Manohar Laxmanrao Khillari be released on bail in connection with Crime No.0050 of 2022, registered with Aundha Nagnath Police Station, District Hingoli, for the offence punishable under Section 7 of the Prevention of Corruption Act, on P.R.Bond of Rs.30,000/- (Rs. Thirty thousand only) with two solvent sureties of Rs.15,000/- (Rs. Fifteen thousand only) each.
- iii) The applicant shall comply with the requirements set out in Para No.12(1) to (6) of Chapter-I of Criminal Manual, whichever are applicable.
- iv) The Applicant to attend the concerned Police Station on every Monday between 10:00 a.m. to 02:00 p.m. till filing of the charge-sheet.
- v) The applicant shall not indulge in any criminal activity and shall not tamper with the prosecution evidence in any manner.
- vi) Bail before the trial Court.

**(SMT. VIBHA KANKANWADI)
JUDGE**