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

923 ANTICIPATORY BAIL APPLICATION NO.663 OF 2022

SHANKAR BHAGCHAND DEDWAL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr. Vikram R. Dhorde, Advocate for Applicant;
Mr. V. M. Kagne, A.P.P. for Respondents

CORAM : S. G. MEHARE, J.
DATE : 23rd June, 2022

P.C.

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondents.
2. The report against the applicant was registered for the demand of bribe to set brother of the complainant free from one crime registered against one Hanmantu Vishwanath Behare. The demand of the bribe was recorded in the voice recorder as one of the procedures before the trap in anti-corruption cases. However, the trap was unsuccessful.
3. The learned Counsel for the applicant has vehemently argued that the complainant has made the false allegation that the applicant would set his brother free in a crime registered against Hanumantu

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Behare and Amir Sayed. He would point out that one P. I. Sawant was the Investigating Officer of that crime. The applicant has no concern with the said crime, but with some ill-motive a false report is lodged against him. The report is dated 26.04.2022. Hence, this Court by order dated 16.06.2022 granted time to the learned A.P.P. to seek further instruction as regards the attempts made by the Investigating Officer to arrest the applicant.

4. The record has been placed before this Court showing that the applicant is not on duty from 26.04.2022. In addition to these documents, the learned A.P.P. would submit that since the protection was granted to the applicant by this Court, the applicant has given his voice sample and it is recorded. However, custodial interrogation of the applicant is required to identify the involvement of any other officer or whether he has any disproportionate property to his income.

5. Undisputedly, the trap has failed. The voice of the applicant was recorded by the Anti Corruption Bureau prior to the actual trap of accepting the bribe. The voice sample of the applicant has also been taken by the Anti Corruption Bureau.

(3)

6. After hearing the arguments advanced by the learned Counsel for the applicant and on perusal of the documents placed on record, this Court does not find any substantive ground that the custodial interrogation of the applicant would help the Investigating Officer to find the other material. Hence, the application deserves to be allowed. I, therefore, pass following order -

- i) The application is allowed.
- ii) In the event of arrest, applicant Shankar s/o. Bhagchand Dedwal shall be released on bail, on executing P.B. and S.B. of Rs.20,000/- with one solvent surety of the like amount, in C.R.No. 0043 of 2022, registered with Islapur Police Station, Taluka Kinwat, District Nanded, for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988, on the condition that he shall attend the police station as and when called and shall co-operate the Investigation Officer.
- iii) Hamdust allowed.

(S. G. MEHARE, J.)

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