

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 330 OF 2022

Leena Madhukar Sangawar ..Applicant

V/s.

The State of Maharashtra ..Respondent

Mr. Zaid Qureshi for the Applicant.

Mr. R.M.Pethe, APP for the Respondent/State.

P.I. R.V. Sangolkar, attached to ACB, Pune.

CORAM : C.V. BHADANG, J.

DATE : 14 FEBRUARY 2022

P.C.

1. The Applicant, who is working as a Sub-Registrar at Pune, apprehending her arrest in connection with the investigation of Crime No.202 of 2021 registered with Vishrantwadi Police Station, Dist. Pune under Section 7 of Prevention of the Corruption Act, 1988, is seeking pre-arrest bail.

2. The aforesaid offence is registered by the Anti-Corruption Bureau on the basis of the complaint lodged by Nitin Bansal on 17.11.2021. The complainant being desirous of obtaining a copy of Relinquishment Deed executed by his sister and for registration of a Will by his mother Meena Bansal, had gone to

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the office of the Applicant on 20.09.2021. According to the first informant, the Applicant demanded an illegal gratification of Rs.30,000/- from the first informant for the official favour of furnishing a copy of the Relinquishment Deed and registration of the Will. It is after this, that the first informant, approached the Anti-Corruption Bureau and a trap was arranged on 21.09.2021 on which date, it is alleged that the Applicant again made a demand to Rs.30,000/- which was reduced to Rs.10,000/-. There is a conversation purportedly recorded in a voice recorder between the Applicant and the first informant, which is obtained by the Investigating Officer. Undisputedly, the Applicant did not accept any illegal gratification on 21.09.2021. Hence, the trap was postponed on 23.09.2021 on which date the Applicant was on leave. Hence, the trap was postponed to 27.09.2021 on which date again the Applicant did not accept any amount and in fact delivered the copy of Relinquishment Deed to the first informant.

3. I have heard the learned counsel for the Applicant and the learned APP. Perused record.

4. The learned counsel for the Applicant submitted that the Applicant has lodged a complaint with the Enforcement Directorate (ED), Ministry of Finance, against several persons who according to the Applicant, are land mafias. According to the learned counsel, the Applicant was called for recording her

statement on 22.10.2021 and in order to prevent her from prosecuting the said complaint, she has been falsely implicated in this case.

5. The learned APP submitted that there is a pre-trap panchnama, as also the transcription of the conversation recorded in the voice recorded which fortifies the case of demand. He, therefore, submitted that the custody of the Applicant is necessary. He submitted that the Applicant has furnished an incorrect residential address and is also not reporting to duty.

6. I have considered the submissions made. Prima facie it appears that there are no allegations of acceptance of any illegal gratification, although according to the prosecution, there is a demand made on 20.09.2021 and 21.09.2021 which according to the prosecuting falls within the ambit of Section 7 of the said Act as it also covers a case of 'attempt to obtain', any illegal gratification. Prima facie it appears at this stage that reliance is placed on the transcript of the conversation between the Applicant and the first informant. Admittedly, at this stage, same has not been verified on the basis of the voice samples of the parties. In my considered view, looking to the over all nature of the allegations, it would be appropriate if the Applicant is directed to join the investigation. Thus, prima facie it appears that the official favour for which the alleged demand was made, was already shown on 27.09.2021.

7. Hence, the following order is passed:

ORDER

i) In the event of her arrest, in connection with the investigation of Crime No.202 of 2021 registered with Vishrantwadi Police Station, Dist. Pune, the Applicant shall be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

ii) The Applicant shall report to the Investigating Officer on 20, 21 and 22 February 2022 between 11.00 a.m. to 1.00 p.m. and as and when required by the Investigating Officer and shall furnish her voice sample, if required and shall also surrender her mobile phone upon requisition by the Investigating Officer.

iii) The Applicant shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence/witnesses.

iv) The Applicant shall not leave the jurisdiction of Pune District without prior intimation / permission of the Investigating Officer.

v) In the event of breach of any of the conditions, the bail is liable to be cancelled.

vi) Criminal application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)