

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1029 OF 2022

Ritesh S/o. Manohar Jaiswal

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Sushil Upadhyay i/b. Mr. A.M. Saraogi for the Applicant.

Ms S.S. Kaushik, APP for Respondent-State.

Mr. Amol Waghmare, PI, ACB, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 25th APRIL, 2022.

P.C.:-

1. Leave is granted to the Applicant to place on record copy of the FIR.

2. This is an application under Section 438 of Cr.P.C. for pre-arrest bail in C.R. No.22 of 2022 registered with Anti Corruption Bureau, Mumbai for offence punishable under Section 7 of the Prevention of Corruption Act, 1988 IPC.

3. Heard Mr. Sushil Upadhyay, learned counsel for the Applicant and Ms S.S. Kaushik, learned APP for Respondent-State. I have perused the records and considered the submissions advanced by the learned

counsel for the respective parties.

4. The aforesaid crime was registered pursuant to the FIR lodged by Smt. Sharmila Khare, who claims to be a social worker. It is the case of the Complainant that on 22/02/2022 one Kashinath Sangam had requested her to help him in obtaining new water connection. On 28/03/2022 she visited the office of Assistant Commissioner, 'P' north ward, B.M.C. She met the Applicant, an engineer in the said department. She claims that when she enquired about the file of Kashinath, he demanded bribe of Rs.5,000/-. The other staff also demanded some money. She was not willing to pay the amount hence, she reported the matter to the Anti Corruption Bureau on 29/03/2022. On 30/03/2022 panchas and the Complainant proceeded to the office for verification of demand. The Complainant recorded the conversation on a digital voice recorder. It was confirmed that the Applicant had demanded bribe of Rs.5,000/-. Subsequently, trap was laid and a peon was caught while accepting the bribe amount.

5. It is not in dispute that the Applicant was not present in the office at the time of trap. He had not accepted any bribe amount. The only corroborative material to prove the demand is the transcript from the

voice recorder. Having gone through the same, the said material does not prima facie prove demand. Even otherwise, the authenticity of the said transcript needs to be proved on merits.

6. Considering the above facts and circumstances, this would be a fit case for pre-arrest bail. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No.22 of 2022 registered with Anti Corruption Bureau, Mumbai, the Applicant is ordered to be released on interim bail on executing PR bonds in the sum of Rs.25,000/- with one or two sureties to the like amount;
- (ii) The Applicant shall report to the concerned Investigating Officer for two days on 28/04/2022 and 29/04/2022 between 05.00 p.m. to 6.00 p.m. and on 30/04/2022 between 11.00 a.m. to 2.00 p.m. and thereafter as and when required by the Investigating Officer.
- (iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

7. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)