

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

ANTICIPATORY BAIL APPLICATION NO.1566 OF 2022

Pravin Balasaheb More

..Applicant

Vs.

The State of Maharashtra

... Respondent

Mr. Rajiv Patil, Sr. Adv. i/b. Mr. Kishan S. Chaudhari, for Applicant.
Mr. N. B. Patil, A.P.P for Respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATED : 19th September, 2022

P.C.:

1. Heard.
2. The applicant is seeking pre-arrest bail in crime no. 81 of 2022 registered with Lonavala Gramin police station for the offence punishable under sections 7, 7(a) & 12 of Prevention of Corruption Act.
3. The case of the prosecution is, the complainant - Vinayak was managing a gas agency of government gas company. Alleging that his management was illegal, the applicant alongwith other staff from the police station visited the gas godown and the office on 09/05/2022. The applicant thereafter removed challan books, sale bills, fire bottles, daily bills, stock books and had taken complainant, his driver-Kisan, godown keepers - Ravi & Aniket to

the police station.

4. The applicant thereafter directed complainant to produced papers in regard to the employment of employees viz Aadhaar Card, bank account details vide notice dated 10/05/2022.

5. The complainant thereafter attended police station in compliance of the notice on 10/05/2022 where he was abused and made to wait outside the police station. When the complainant requested the co-accused Rawal, a police officer to permit him to leave the police station, when he was directed to police officer Khan. Khan thereafter went to the applicant and informed complainant that the applicant is demanding an amount of Rs.2,00,000/- so as to permit the complainant to continue to manage his gas agency.

6. As the complainant was not willing to pay the bribe, he lodged complaint with the non-applicant. Based on the same a trap was laid. The co-accused Mr. Khan directed the complainant to deposit the amount with Dhaba owner-Yasin Shaikh, who was caught red handed while accepting the bribe amount. As such, offence in question.

7. The contentions of the counsel for applicant are pursuant to ad-interim protection ordered by this Court on 16/06/2022, the

applicant has appeared and co-operated with the investigating the agency. According to him, the applicant is falsely implicated in the crime in question as he has no nexus or remote involvement in the offence. He would further urge that the applicant being Senior Police Inspector of the police station is roped in and custody is sought only based on the disclosures made by the co-accused, which cannot be a reliable evidence.

8. Mr. Kadam, would further urge that the applicant is very much available for investigation being a public servant deserves to be released.

9. While countering the aforesaid submissions, learned APP assisted by Investigating Officer would urge that there is enough material collected during the investigation so also to implicate the applicant in the offence.

10. According to him, the applicant not only has not co-operated in the investigation but has tried to destroy the evidence by removing the CCTV footage storage which was fixed in the police station. He would further urged that conversation recorded specifically speaks of direct involvement of the applicant and accordingly one of the beneficiary in the crime amount. As such, it is claimed that the custodial interrogation of the applicant is very

much necessary.

11. I have appreciated the same submissions.

12. The bribe amount was delivered by the complainant to the owner of the Karishma Dhaba and the conversation to that effect is recorded is quiet apparent from the investigation papers. Such bribe amount was delivered as per the instructions of PSI Khan who was conducting himself as a broker for the applicant as can be inferred from the investigation carried out till this date.

13. It appear that even the co-accused PSI Khan commented to the complainant to hand over the bribe amount and continue with his business of operation of gas agency.

14. The persons from whom the bribe amount was seized has specifically mentioned that PSI Khan has told him to accept the bribe.

15. It appears that the bribe amount was deposited with the Dhaba owner pursuant to the demand made by present applicant through the co-accused. The conversation recorded during pre-trap has sufficiently established the complicity of the applicant of direct involvement in the offence in question. After the raiding party went to the police station, the applicant immediately took out government laptop from the police station in which CCTV

footage were recorded. The said withdrawal of evidence from the police station is without any authority and as such amounts not co-operating with the investigating agency in the investigation.

16. The aforesaid evidence which can be born out of the investigation papers sufficiently implicate the applicant in an serious offence.

17. The investigation carried out till this date since prima facie depicts of involvement of the applicant in the offence in question.

18. No case of grant of pre-arrest bail is made out

19. Application as such fails and stand rejected.

ANANT
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by ANANT
KRISHNA NAIK
Date: 2022.10.04
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(NITIN W. SAMBRE, J.)