

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3242 OF 2022

Amirddin Rafiuddin Chamanshaikh ... Applicant

Versus

State of Maharashtra ... Respondent

.....

Mr. Kuldeep Patil instructed by Ms. Saili Dhuru for the Applicant.

Ms. Veera Shinde, APP for the State.

PI Bharat Salunkhe, ACB, Pune, present.

.....

CORAM : N.R. BORKAR, J.

DATED : 6 DECEMBER 2022

P.C. :-

. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 956 of 2022 registered at Shikrapur Police Station, Pune for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988.

3. According to the prosecution, on 28th July 2022, the present applicant who was working as Police Head Constable at Shikrapur Police Station had demanded mobile phone for himself and Rs. One lakh for his superior from the complainant to inquire into the complaint made by him to register the offence.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. This Court by order dated 22 November 2022 granted interim anticipatory bail to the applicant. The learned Counsel for the applicant submits that the applicant was directed to attend the concerned ACB office and the applicant had accordingly attended the said office. It is submitted that the Investigating Officer has taken the voice sample of the applicant. It is submitted that nothing is to be recovered from the applicant and therefore his custodial interrogation is not necessary. It is submitted that the applicant may therefore be released on anticipatory bail.

6. On the other hand, the learned APP submits that after lodging of the complaint, the same was verified and during verification it was found to be true. It is submitted that considering the nature of offence applicant may not be released on anticipatory bail.

7. The alleged demand was made on 28 July 2022. It appears that complainant was called for trap proceeding, however, according to him as his grandmother was ill, he could not remain present for the trap proceedings. According to the complainant, on 30 August 2022 i.e. approximately after one month he came to the concerned office of ACB and reiterated his complaint. It is alleged that thereafter on 1 September 2022, the trap was laid, however the same was not successful.

8. Considering the facts and circumstances of the case and as there appears to be no need of custodial interrogation of the present applicant, I am inclined to release him on bail. In the result, the following order is passed :

- (i) Interim anticipatory bail granted by this Court to the present applicant by order dated 22nd November 2022 is hereby called.
- (ii) The present applicant shall attend the concerned office of ACB as and when required.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

Digitally signed
by KANCHAN
PRASHANT
DHURI
Date: 2022.12.20
14:29:40 +0530