

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3506 OF 2022**

Ranjana Umesh Ubarhande ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Aniket Nikam instructed by Mr. Amit Icham for the Applicant.

Mr. P.H. Gaikwad Patil, APP for the State.

Mr. Virnath S. Mane, PI, Pune Police Station, present.

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CORAM : N.R. BORKAR, J.

DATED : 19 DECEMBER 2022

P.C. :-

. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.

2. The applicant is apprehending her arrest in Crime No. 292 of 2022 registered at Bundgarden police station for the offences punishable under Sections 7, 7(a) and 12 of the Prevention of Corruption Act.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State and perused the First Information Report.

4. According to the complainant, he is the authorized representative of Santham Charitable Trust (“the Trust”). The Trust owns land bearing Survey No.1719 at Sadarwadi, Taluka – Shirur, District-Pune. In the year 2018, the Trust had carried out certain construction on the land in question with the permission of P.MR.D., Pune. According to the complainant, the said permission was granted on the condition that the Trust would obtain permission from Tehsildar, Shirur to use the land in question for non-agricultural purpose. According to the complainant, pursuant to the said condition in the year 2018 itself, the Trust had made an application to Talathi, Sadarwadi seeking such permission.

5. According to the complainant, after making the said application, he met co-accused Deshmukh who was then Talathi of Sadarwadi. According to the complainant, co-accused Deshmukh demanded Rs.40-42 lakhs for himself and other revenue officers towards illegal gratification and told him that he would not get permission as sought by the Trust unless the said amount is paid.

6. Though according to the complainant, the demand was made in the year 2018 and a complaint was lodged immediately thereafter with the Anti-Corruption Bureau (ACB), however, it is not clear as to why the action was not taken for four years.

7. Be that as it may, on 25 May 2022 the ACB decided to verify the said demand. Accordingly, on 25 May 2022 the complainant met the co-accused Deshmukh and requested him to reduce the bribe amount. According to the complainant, during their discussion the co-accused Deshmukh disclosed to him that he had discussed the matter with other revenue officers including present applicant who was then working as Tehsildar, Shirur. According to the complainant, he requested co-accused Deshmukh that he would like to meet the present applicant who told him to come on 26 May 2022 at 10.30 a.m. It was thus decided that on 26 May 2022 the complainant would meet the present applicant. According to the complainant, on 26 May 2022 he met the present applicant who told him that she could not go through the matter. According to the complainant, he thereafter tried to meet the present applicant on 15 June 2022, 16 June 2022 and 20 June 2022, however, according to him, present applicant was either not available in the office or was on leave.

8. According to the complainant, on 28 June 2022, when he met the present applicant and told her that he has brought the amount as told by another co-accused Smt. Shinde, the present applicant told him to give it to her driver. According to the complainant, he again met the present applicant on 26 July 2022 and

on that day, he offered to pay her Rs.5 Lakhs for which she agreed.

9. Admittedly, the complaint came to be lodged only after the permission as sought by the Trust was granted. The alleged demand is attributed to the co-accused Shri Deshmukh and Smt. Shinde. Prima facie, the case against the present applicant appears to be of offer and not of demand. Considering these facts and circumstances, I am inclined to release the applicant on anticipatory bail. Hence, the following order is passed:

(i) Application is allowed.

(ii) In the event of arrest of the applicant in Crime No. 292 of 2022 registered at Bundgarden police station for the offences punishable under Sections 7, 7(a) and 12 of the Prevention of Corruption Act, she shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(iii) The applicant shall attend the concerned Anti Corruption Bureau from 26 December 2022 to 28 December 2022 and shall co-operate in the investigation.

(N.R. BORKAR, J.)