

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (BA) NO. 251/2022
Amol Ramdas Kokate..Versus...State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. S.D.Chande, Advocate for the applicant
Ms. Trupti Udheshi, APP for respondent/State.

CORAM : AVINASH G. GHAROTE, J.

DATE : 05/04/2022

Heard Mr. Chande, learned counsel for the
applicant and Ms. Udheshi, learned APP for respondent/State.

2] The applicant has been arraigned for the offence under Section 7 of the Anti Corruption Act. The incident is dated 25.2.2022 on which date the applicant has been arrested. Though the charge-sheet has not been filed, however, the reply indicates that the entire investigation is over and learned APP submits that the filing of the charge-sheet is only awaiting the sanction.

3] Mr. Chande, learned counsel for the applicant submits that the entire investigation in the matter is already complete and nothing now remains to be done further in the matter considering the nature of the offence alleged against the applicant. He therefore submits that there is no necessity for any further incarceration of the applicant and therefore

applicant is entitled to bail on such conditions as may be imposed.

4] Learned APP does not dispute that the entire investigation is over and the filing of the charge-sheet is only awaiting the sanction of the appropriate authority, she however submits that the applicant may tamper with the prosecution witnesses or may abscond, in case he is released on bail and therefore, the application needs to be rejected.

5] The applicant has been caught red handed while receiving an amount of Rs. 20,000/- as a bribe for release of the arrears of salary of the complaint, in a trap laid by the ACB authorities on 25.2.2022. The entire investigation as stated is already complete and nothing more is required to be done. The filing of the charge-sheet as stated is only awaiting the approval by the appropriate authority. The voice samples have also been claimed to have been collected, in view of which there does not appear any reason to continue the further incarceration of the applicant. Hence the following order.

[I] The application is allowed.

[II] The applicant – Amol Ramdas Kokate, be released on bail in Crime No. 146/2022, registered with the Washim Police Station for the offence under Section 7 of the Anti Corruption Act, on his furnishing PR bond

in the sum of Rs. 1,00,000/- with two solvent sureties of the like amount.

[III] The applicant shall not tamper with prosecution witnesses or try to influence them directly or indirectly in any manner whatsoever.

[IV] The applicant shall surrender his passport, if any, to the I.O and shall not leave the country without the prior permission in writing of the learned Sessions Court.

[V] The applicant shall attend each and every date before the learned Sessions Court and shall ensure that the trial is not protracted on his behalf.

[VI] Any breach of the aforesaid conditions shall result in cancellation of the bail.

6] Any pending application also stands disposed of.

JUDGE

Rvjalit