

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 616 OF 2023

**ALKA W/O DNYANOBA KARMALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. V. D. Gunale, Advocate for the applicant
Mr. S. P. Sonpawale, APP for the respondent/State

CORAM : R. M. JOSHI, J.
RESERVED ON : 08/06/2023
PRONOUNCED ON : 13/06/2023

P.C. :-

1. Applicant apprehends arrest in connection with C.R. No. 21 of 2023 registered with Jalkot Police Station, Dist. Latur for the offence punishable under Sections 13(2), 13(1)(e), 13(1)(b) and 12 of Prevention of Corruption Act and Section 109 of Indian Penal Code.
2. P.I. Anti Corruption Bureau (ACB) lodged FIR stating that an offence came to be registered against Dnyanoba Karmale, Talathi class-III, Tahasil Office Jalkot, Sajja Ghonshi for demanding bribe and the said offence came to be registered by CR 130/2020 on 07/08/2020. During the course of investigation of the said crime permission was granted to the Investigating Officer to conduct an open inquiry into the assets of government servant and in the said

inquiry it is found that the government servant who is husband of the present applicant has acquired around 98.65% more property than his known source of income.

3. Learned counsel for the applicant states that the applicant is lady and that she has no concern with the alleged crime. It is contended that plot which stands in the name of the applicant is purchased by her from the financial assistant given by her father and said amount is transferred by cheque to the account the applicant. Thus according to him, there is *prima facie* material on record to show that purchase of the plot cannot be treated as acquired asset of her husband.

4. Learned APP opposed the said contention by stating that their inquiry conducted till date with regard to the disproportionate assets acquired by the husband of the applicant indicates that about 100% properties are found to be disproportionate to his known income. It is submitted that in all two plots are found in the name of present applicant and since she is not employed and has no source of income the said property is deemed to have been purchased by her husband. It is submitted that the applicant has aided the husband in procuring the asset illegally.

5. Applicant is a lady. There are no allegations against her that she was instrumental in receiving any illegitimate income on behalf of her husband. Perusal of the investigation papers indicate that the ACB is having information about the property in question and that nothing is to be recovered at her instance. Appropriate direction to applicant to cooperate in investigation is sufficient to ensure further proper investigation. Hence application is allowed on the same terms of order dated 11th April, 2023.

(R. M. JOSHI, J.)

ssp