

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

ANTICIPATORY BAIL APPLICATION NO. 551 OF 2020

Arvind Vasant Kandelkar

...Applicant

vs.

The State of Maharashtra

...Respondent

Adv. Hrishikesh Mundargi a/w Adv. Meghdeep Oaak - Advocate for
the Applicant

Mr. H. J. Dedhia - APP for the Respondent-State

PI – Chavan – Navi Mumbai Police Station

CORAM : S. M. MODAK, J.

DATE : 29th MARCH, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned
APP. The officer is present.

2. There is an offence registered at Rabale MIDC Police
Station bearing C.R. No. 310 of 2019 for the offence punishable
under Section 7 of the Prevention of Corruption Act. It is on the
complaint of one Avchar Gelji Vaid. Complainant carries on business
of manufacturing and selling sweets in name of company. There are
certain allegations against him about violation of Food and Safety
Act and that is why the present Applicant who is working as Food

and Safety Inspector has initiated certain inquiry. There was certain demand of illegal gratification from the Applicant. Accordingly, complainant has approached the Anti Corruption Bureau Navi Mumbai and Anti Corruption Bureau has recorded his complaint which is treated as FIR. So this is case wherein F.I.R. is registered prior to offering the amount by way of tainted currency notes. So this is not the case wherein the Applicant was caught while accepting the tainted currency notes.

3. However the case has not rested only upto the demand, but money has actually been paid not by the complainant but by his brother. This happened because the Applicant has insisted that the money be paid on that itself and accordingly, the first informant asked his brother to pay the amount and the Applicant collected it by going to his shop.

4. After registration of the offence, the Police have recorded the voice samples of the Applicant and it is sent for the analysis. It is said that there is CCTV footage recorded in the camera installed in the shop of the brother of the first informant. It is seized and it is sent to the FSL (Forensic Science Laboratory Division). There is also panchnama about viewing the recording and it mentions that the

Applicant has visited the shop of brother of the first informant wherein it shows that the Applicant has accepted one envelope from his brother. There is also statement recorded of the brother.

5. Learned Advocate for the Applicant made various submissions to point out that the various ingredients of Section 7 of the Prevention of Corruption Act are not made out and alleged payment of the amount is not by way of tainted currency notes. It is also submitted that the Applicant has visited the shop of the brother for serving him a notice informing violation of the Food and Safety Act. It is also submitted that the first informant by instructing his brother to pay amount has acted not as per instructions from the Anti Corruption Bureau but as per his own wish.

6. Be that it may, considering the stage of the investigation, I think the purpose of the prosecution can be protected even by giving attendance for few dates. The number of the currency notes handed over by the brother of the first informant are not there on the record.

7. Hence this Court is inclined to confirm the interim protection already granted on 11/03/2020. Hence the following order is passed:-

ORDER

- (i) Anticipatory bail application is allowed.
- (ii) In case of arrest in connection with C.R. No. 310 of 2019 registered with Rabale MIDC Police Station for the offence punishable under Section 7 of the Prevention of Corruption Act, the Applicant be released on furnishing Personal Bond and Surety Bond in sum of Rs. 25,000/-.
- (iii) Applicant is directed to give attendance to the office of the Anti Corruption Bureau, Navi Mumbai on every Monday from 10.00 a.m. to 12.00 noon for three months and co-operate the Police as and when required.

8. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

9. Application is disposed of in the aforesaid terms.

[S. M. MODAK, J.]