

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 685 OF 2023

Nitin Shankar Dhamale ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. C.K. Pendse alongwith Mr. Kiran Jadhav instructed by Mr. Vishal Kolekar for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 6 MARCH 2023

P.C. :-

1. 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. 102 of 2023 registered at Dehu Road Police Station, Pune for the offence punishable under Section 7(A) of the Prevention of Corruption Act, 1988.

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

4. The complainant is a Chairman of Sai Platina Housing Society. On 14 June 2022, the said Society pursuant to conveyance deed

in it's favour in respect of land bearing Gat No.74/3A at Ravet, had made an application for mutation to Talathi Office, Kewale (Ravet). The allegations against the present applicant are that he had demanded Rs.35,000/- as bribe on behalf of concerned Talathi to mutate the name of the Society in revenue record.

5. The learned Counsel for the applicant submits that according to complainant himself the alleged demand was made after the name of the Society was mutated in the revenue record and thus, the offence punishable under Section 7(A) of the Prevention of Corruption Act, 1988 would not attract. It is submitted that there is no need of custodial interrogation as nothing is to be recovered at the instance of the present applicant. It is submitted that the present applicant may therefore be released on anticipatory bail.

6. I have perused the conversation between the complainant and the present applicant recorded during verification. The demand of bribe is apparent from the said conversation. Considering the overall facts and circumstances of the case, I am not inclined to grant anticipatory bail to the present applicant. In the result, the following order is passed :

(i) Application is rejected.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
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