

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO.2118 OF 2023

SHABNOOR
AYUB
PATHAN

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Dr. Suhas Dattatray Mane	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Niranjan Mundargi i/by Mr. Ranjeet M. Pawar, for
the Applicant.

Mr. Amit A Palkar, APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : JULY 28, 2023

P.C.:

1. Apprehending arrest in connection with C.R.No.139 of 2023 registered with Raigad police station, Alibag for offences punishable under Section 384 of the Indian Penal Code, 1860 (for short 'IPC') and under Section 7 of the Prevention of Corruption Act, 1988, the applicant is seeking relief of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.').

2. According to prosecution, one Ankush Thakur (ward boy) in Civil hospital at Raigad, lodged a complaint alleging that, for issuance of medical certificate, certification of third dose of Covid-19 was required. Such certificate was necessary for recruitment of police constable. According to informant (ward boy), one Pradip Dhobal who is a senior clerk in Civil hospital at Alibag, without certificate of third dose of Covid-19, the final medical certificate

will not be issued. It is alleged that issuance of such final certificate Pradip Dhobal demanded Rs.1500/- per candidate. The prospective candidates, therefore, paid Rs.21,500/- to the informant which he handed over to co-accused Pradip Dhobal. Thereafter, final medical certificates were issued. The informant Ankush Tahkur (ward boy), therefore, lodged report against Pradip Dhobal.

3. During investigation, Pradip Dhobal stated that the informant went to the cabin of applicant and was handed over the packet containing Rs.7,500/-. According to Pradip Dhobal, he handed over the same packet to the applicant.

4. On perusal of the statement, it appears that the informant having knowledge of the transaction and was filed report against Pradip Dhobal. The material against the applicant, is the statement of accused Pradip Dhobal. At this stage, there is no material to indicate the complicity of applicant in the alleged offence except statement of the co-accused. The applicant is, therefore, made out a case for grant pre-arrest relief under Section 438 of Cr.P.C. Hence, following order:

a) In the event of arrest in connection with 139 of 2023 registered with Raigad police station, Alibag for offences punishable under Section 384 of IPC and under Section 7 of the Prevention of Corruption Act, 1988, the applicant be released on bail on furnishing P.R. bond of Rs.25,000/-, along with one or two sureties in the like amount.

b) The applicant shall remain present before the

concerned police station on 1st, 3rd and 5th August, 2023 between 11:00 am to 2:00 pm thereafter, as and when called by the investigating officer.

c) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.

5. The anticipatory bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)