

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

ANTICIPATORY BAIL APPLICATION NO. 3051 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Date: 2023.11.03
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Kunal Suresh Sapkale ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Nitin Satpute, a/w Deepak Jagdev, for the Applicant.

Mr. M. G. Patil, APP for the State/Respondent.

Dy. S. P. Vishwajeet Jadhav, ACB Nashik, present.

CORAM: N. J. JAMADAR, J.

DATED: 31st OCTOBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is an application for pre-arrest bail in connection with CR No.279 of 2023, registered with Yeola City Police Station, Nashik Rural, for the offences punishable under Sections 166, 201, 452 of Indian Penal Code, 1860 ("the Penal Code") and Sections 7 and 7A of the Prevention of Corruption Act, 1988.

3. The applicant is posted as Assistant Police Inspector at Yeola Police Station. FIR No.272 of 2023 was registered against Nitin Shinde, the son of the first informant, for an offence punishable under Section 329 read with Section 34 of

the Penal Code. The applicant and co-accused Satish Bagul, Police Constable, allegedly made a demand of Rs.50,000/- from the first informant not to subject his son Nitin to illtreatment and add Section 307 of the Penal Code in the said CR No.272 of 2023.

4. The learned Counsel for the applicant submitted that there is no proof of demand. Two attempts to trap the applicant did not fructify as at the time of both unsuccessful traps the applicant was not at the police station. As the applicant was entrusted with the investigation in CR No.272 of 2023 and the applicant has recorded the disclosure statement of the accused, the applicant has been falsely roped in.

5. The learned APP submitted that there are statements of the first informant and other witnesses who have stated that the applicant and co-accused had demanded the amount.

6. I have perused the statements of the father of the accused, who was arrested by the applicant in CR No.272 of 2023 and the other relatives of the said accused. *Prima facie* there does not appear any material to show that the applicant had directly or indirectly made the demand. Nor there is any transcript of the conversation between the

applicant and the co-accused Bagul, who allegedly demanded the amount from the first informant.

7. In the aforesaid view of the matter, I am inclined to hold that the applicant has made out a *prima facie* case for exercise of discretion. Since the applicant is a serving police officer, possibility of fleeing away from justice seem to be remote.

8. Hence the following order:

: O R D E R :

- (i) In the event of arrest of the applicant in CR No.279 of 2023, registered with Yeola City Police Station, Nashik Rural, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and attend Yeola City Police Station on 3rd and 4th November, 2023 in between 10.00 am. to 1.00 pm. and, thereafter, as and when directed.
- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first

informant, any of his relatives or any of the persons acquainted with the facts of the case.

- (iv) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Application stands disposed.

[N. J. JAMADAR, J.]