

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR, NAGPUR.

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CRIMINAL APPLICATION (BA) NO. 127/2023

Ramkrishna Gulabrao Pawar

.. Applicant

versus

The State of Maharashtra

Th: Its PSO Buldhana city, Buldhana

.. Respondent

.....
Mr. Abhay Sambre, Advocate for the applicant

Mr.A.M.Kadukar, APP for Respondent
.....

CORAM: ANIL L. PANSARE, J.

DATED : 9th February, 2023.

PC:

Heard the learned counsel for the respective parties at length.

2. This is an application under Section 439 of the Criminal Procedure Code. The applicant has been arrested on 31.01.2023 in Crime No. 80/2023 registered with Buldhana (City) Police Station, for the offence punishable under Section 7 of the Prevention of Corruption Act.

3. The accusation against the applicant is that he had demanded an amount of ₹ 4 lakhs and one bag of sugar for giving certified copy of marriage certificate and other documents, which the informant sought for Court purposes. This demand was allegedly made on 31.01.2023, though the application seeking certified copy was filed on 03.11.2022. It is alleged that the applicant was caught red handed while accepting an illegal gratification of Rs. 1 lakh. It is also alleged that prior thereto, the applicant had accepted an amount of ₹ 1,000/-

through PhonePe from the complainant.

4. The learned counsel for the applicant submits that the applicant is working as a Village Development Officer, Borakhedi Tq.Motala Dist Bulldhana. He is well acquainted with both the informant and his wife. The wife has filed an application seeking maintenance against the informant. The applicant in an attempt to settle the matter had discussed the issues with both of them. According to the applicant the dispute has been settled for an amount of ₹ 4 lakhs. An amount of ₹ 1 lakh was paid towards the part- payment of the settled amount. The amount has been paid in the shop owned by son of the applicant. He submits that the amount has been kept in the drawer and was not handed over to the applicant.

5. In view of the aforesaid submissions, pre-trap *Panchnama* has been perused. The lengthy conversation does not rally indicate that amount under question was demanded by the applicant for furnishing certified copy of marriage certificate and other documents. Rather one of the statements that has been shown by the learned APP to substantiate the claim which is in vernacular, the rough translation of which, reads as under “Bring Rs. 4 lakhs and settle the matter; the bungalow etc. would be given under your authority.” To my mind the conversation in a way favours the applicant.

6. It is not the case of the prosecution that custodial interrogation is required. On enquiry, learned Advocate for the applicant submits that there are no criminal antecedents against him. The applicant being a Government servant, there is no likelihood of his

absconding. In the circumstances, I am of the opinion that the applicant is entitled to be released on bail. Hence, the following order :

- (i) The Application is allowed.
- (ii) The applicant-Ramkrishna Gulabrao Pawar, be released on bail, in connection with Crime No.80/2023 registered with Police Station Buldhana (city) for the offence punishable under Section 7 of the Prevention of Corruption Act, on he furnishing P.R. bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend the concerned Police Station on every alternate Saturday between 10.00 am to 12.00 noon, till filing of the final report.
- (iv) The applicant shall, at the time of execution of bond, furnish his address and telephone/mobile number (s) to the Investigating officer and the Court concerned, and shall not change the residence without prior permission of the trial Court.
- (v) 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 any Police Officer.
- (vi) The applicant shall maintain law and order.
- (vii) In case of breach of any conditions, the learned trial Court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

The Application is disposed of in the above terms.

[ANIL L. PANSARE, J.]