

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

CRIMINAL APPLICATION (ABA) NO. 220 OF 2023

SANJAY RAMCHANDRA KHANDEKAR VS. THE STATE OF MAHARASHTRA

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri. R. R. Vyas, Advocate for applicant.
Shri. A. M. Kadukar, APP for respondent No.1 State.

CORAM : URMILA JOSHI-PHALKE J.

DATE : 16/06/2023

Present application is for grant of anticipatory bail in the event of arrest in respect of Crime No.84/2023, registered under Section 7 and 12 of the Prevention of Corruption Act, 1988.

2. The applicant is apprehending arrest at the hands of police as crime is registered on the basis of report lodged by Mahadev Govindrao Khandale. The informant is the businessman dealing with the transporting of sand. He entered into a contract with Reliance Company. On 22/09/2022, his vehicles bearing No.MH 34 BG 3484 and MH 34 AV 0019, containing required sand were waiting outside the construction site of Reliance Company at Mukutban. Since the construction site was closed, the truck

drivers were waiting along with vehicles outside. On the day of incident in the morning, the present applicant who has served as Police Naik, attached with the Mukutban Police Station and one other person reached the spot and inquired about the royalty of sand contained in the vehicles. Thereafter, the present applicant demanded the bribe of Rs.2,00,000/- for releasing the said vehicles. Therefore, the informant approached to the A.C.B.Yavatmal and lodged the report. The verification trap was laid down in presence of panchas on 23/09/2022, wherein it was found that the applicant has demanded Rs.50,000/- as bribe. Accordingly, the FIR was lodged and crime was registered on the basis of said First Information Report.

3. As per the contention of the applicant that on the day of incident he was performing his duty and since he suspected that the drivers might be transporting sand illegally, he verified their credentials, they apprehended that criminal action would be taken against them by the applicant. In fact there was no demand by the present applicant and no acceptance of the amount, therefore, custodial interrogation of the present applicant is not required, as nothing is to be recovered from him. As far as the

demand of Rs.50,000/- is concerned, as per as verification trap audio record is already with the police, therefore custodial interrogation is not required and hence prayed for grant of anticipatory bail.

4. Said application is strongly opposed by the State on the ground that as per the investigation papers, there is prima facie case against the applicant to show that he has participated in demand, therefore, on the said basis present application deserves to be rejected.

5. Heard learned counsel Shri.Vyas, he reiterated the contention that as the present applicant who is police constable suspected that drivers are transporting sand illegally and drivers were not having valid permit they apprehended that criminal action would be taken against them, therefore, the first information report is lodged. Admittedly, there is no acceptance, therefore, question of recovery of the amount does not arise at all. He further submitted that as far as verification trap is concerned, audio record is already with the police, therefore custodial interrogation is not required.

6. Per contra learned APP reiterated the contentions and objected for grant of anticipatory bail.

7. Heard both the sides. Perused the recitals of the FIR, as well as the investigation papers.

8. Admittedly, there is no acceptance of bribe amount. Considering the nature of the allegation and as far as voice sample is concerned, custodial interrogation of the applicant is not required as voice sample is already taken by the investigating agency. Audio recording as far as demand is already with investigating agency. In such circumstances, application deserves to be allowed by imposing certain conditions, accordingly, I proceed to pass the following order :-

ORDER

1. In the event of arrest applicant, namely, **Mr.Sanjay S/o Ramchandra Khandekar** shall be released on anticipatory bail in connection with Crime No.84/2023 registered under Sections 7 and 12 of the Prevention of Corruption Act, 1988 on executing P.R.Bond of Rs.25,000/- [Rupees Twenty

Five Thousand only] with one solvent surety in the like amount.

2. Applicant shall remain present before the Investigating Officer as and when required

3. The applicant shall not involve in pressurizing, threatening or induce any witnesses who are connected with the alleged trial.

4. The applicant shall submit his cell number along with his address proof to the Investigation Officer.

[URMILA JOSHI-PHALKE J.]