

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

CRIMINAL APPLICATION (BA) NO.502 OF 2023

(Sanjay Pandurang Kute Vs. State of Maharashtra)

AND

CRIMINAL APPLICATION (BA) NO.503 OF 2023

(Vishal Rameshrao Bambalkar Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.V. Sirpurkar, Advocate for the applicants.
Shri S.M. Ghodeswar, APP for the non-applicants/State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JUNE 08, 2023.

Heard.

2. Present applications are filed by both the applicants for grant of bail under Section 439 of the Code of Criminal Procedure in connection with Crime No.132/2023 registered at police station City Kotwali, Akola for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988.

3. The applicants are arrested on 23/05/2023, since then they are in jail. As per the contention of the applicant namely Sanjay Pandurang Kute that he is posted as Sub-Inspector at the State Excise, Akot and another applicant namely Vishal Rameshrao Bambalkar is posted as a Constable in the same department.

4. As per the allegations in the First Information Report, both the applicants while serving in Excise

Department, demanded gratification amount of Rs.5,00,000/- from Dilip Govardhan Sardar. The complainant Dilip Sardar was declined to pay the gratification amount and then he approached to the Anti Corruption Department, Akola and lodged the report. By taking cognizance, the department of Anti Corruption conducted the raid and both the applicants were arrested.

5. As per the contention of the applicants they are falsely implicated in the alleged crime. They never demanded any amount from the complainant. The verification panchnama does not indicate any demand. Now the investigation is practicably completed and hence the custody of the present applicants is not required. Hence, they be released on bail.

6. Said application is strongly opposed by the State on the ground that if the applicants are released on bail, they will tamper the prosecution evidence. It is fairly admitted by the learned Additional Public Prosecutor that considering the nature of the offence, further custody of the present applicants is not required as the relevant documents are already seized by the Investigating authority.

7. Heard learned Counsel for the applicants. He reiterated the contention and submitted that as the relevant documents are already seized and the amount is also recovered, now no further custody of the present applicants is required.

8. Having heard both the sides and after perusal of the investigation papers, it reveals that the investigation is practicably completed, nothing is to be recovered from the applicants. Hence, further custody of the present applicants is not at all required.

9. In view of above, the application deserves to be allowed by imposing certain conditions. Hence, I proceed to pass the following order :

(i) Both the applications are allowed.

(ii) The applicants - Sanjay Pandurang Kute and Vishal Rameshrao Bambalkar in the event of arrest in Crime No.132/2023 registered at police station City Kotwali, Akola for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988, be released on bail on executing PR. Bond in the sum of Rs.15,000/- (Rs. Fifteen thousand) each with one surety each, in the like amount.

(iii) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case and shall not tamper the prosecution evidence.

(URMILA JOSHI-PHALKE, J.)