



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 285 OF 2024

PRAVIN LAXMAN PAWAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. A.B. Kharosekar, Advocate for Applicant

Mr. A.R. Kale, APP for Respondents/State

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 14th MARCH, 2024

PER COURT :

1. Applicant apprehends arrest in C.R. No.40/2024, registered with Gondi Police Station, Dist. Jalna, for offence punishable under Sections 7 and 12 of the Prevention of Corruption Act, 1988.

2. FIR is lodged by Santosh Sakham Kamble alleging that applicant demanded bribe of Rs.50,000/- for releasing his vehicle intercepted by Tahsildar and present applicant. When informant went to the spot where vehicle was intercepted and requested applicant to leave his vehicle without taking any action, applicant demanded amount of Rs.50,000/- as a bribe.

3. Heard learned advocate for applicant and learned APP for respondents/State. Perused the investigation papers.

4. Learned advocate for applicant submits that there is five

days delay in lodging the FIR. Applicant works in Supply Department and he has nothing to do with Revenue Department. He is falsely implicated in present crime. Voice recorder in which demand of bribe is recorded, is already seized and therefore, custodial interrogation of applicant is not necessary. Applicant being Government Servant is not likely to abscond if released on bail.

5. Learned APP opposed the application contending that there is *prima facie* material on record to show the complicity of applicant in present crime. Custody of applicant is necessary for effective investigation.

6. Perusal of record indicates that after informant agreed to pay Rs.50,000/- bribe, his vehicle No.MH-21-BH-5938 was released by applicant without taking any action. Applicant appears to have demanded bribe amount in the name of Tahsildar. Demand of bribe made by applicant is recorded in voice recorder. Verification of demand is done. Transcript of recorded conversation confirms demand made by applicant. Thus, *prima facie* there is material showing complicity of applicant in demanding bribe in the name of Tahsildar. Therefore, the contention that three offices of illegal excavation of sand are registered against informant, is of no help to the case of applicant.

7. By order dated 05/12/2023, Tahsildar has constituted

flying squad to take action against illegal transportation of sand and other minor minerals. Applicant is a member of six members squad headed by Nayab Tahsildar (Revenue-1), in whose name he has demanded the bribe amount. Thus, there is no substance in contention of applicant that he has no concern with Revenue Department as he belongs to Supply Department. It is necessary to mention here that applicant is appointed on compassionate ground as a clerk-cum-typist at Tahsildar Office, Ambad, on 20th March, 2023 and within less than one year of appointment applicant has indulged in commission of serious offence of demanding bribe.

8. At the time of raid, one person was accompanying applicant, whose identity and whereabouts are known only to the applicant. Considering the gravity of accusations and complicity of applicant in the present crime, for effective investigation his custodial interrogation is necessary. He is, therefore, not entitled for discretionary relief of anticipatory bail. In the result, application is rejected.

(NITIN B. SURYAWANSHI, J.)