



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

44 BAIL APPLICATION NO. 487 OF 2024

Chhagan S/o Uttamrao Patil.

... Applicant

Versus

The State of Maharashtra.

... Respondent

...
Mr. V. D. Sapkal, Senior Counsel, i/b Mr. Sandip R. Sapkal & Mr. S.M. Avhad
& Mr. Onkar Rameshwar Waghule, Advocates for Applicant.

Mr. Satish A. Gaikwad, APP for Respondent/State.

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CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 01st April, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.38 of 2024, registered with Sillod City Police Station, District Aurangabad, for the offences punishable under Sections 7 and 7A of the Prevention of Corruption Act.

3 It is averred in the report by the informant that the applicant is Sub-Registrar at Sillod, Taluka Sillod, District Aurangabad.

The sale-deed of the complainant was to be registered, for which, the applicant demanded Rs.5,000/-. If the said amount is not paid then the applicant threatened that he will not register that sale-deed. Accordingly, the complainant went to Anti-Corruption Bureau Office at Aurangabad and registered his complaint. Accordingly, the complaint was taken and the trap was scheduled on 1st March, 2024. One Bond Writer Bhimrao Kisan Kharat was found while accepting the bribe amount of Rs.5,000/-. Later on, this applicant was arrested. He was taken into police custody and thereafter, in the judicial custody. During his house search, the ACB team found cash amount of Rs.1,36,77,400/- in his house. Therefore, the report was lodged.

4 The learned Senior Counsel for applicant submitted that the applicant is falsely implicated in the crime. In fact, for his misconduct, he has been suspended by Government Order dated 29th February, 2024 issued by the Revenue and Forest Department, Maharashtra Government. He further submitted that the applicant was not on duty on that day. There was no such legal liability on the applicant to register or refuse to register the alleged sale-deed. The applicant is suffering from severe diabetes. He has roots in the society. The practical investigation is over. It is lastly prayed to allow the application.

5 The learned Senior Counsel for applicant is relying upon the authority in case of *Davinder Sharma Vs. Central Bureau of Investigation, 2022 CRI. L. J. 4438*, in which the High Court of Jammu and Kashmir held as under:-

“In view of the aforesaid discussion, it is amply clear, that there would be no danger of the course of justice being thwarted if petitioner/accused is granted bail. Therefore, petitioner/accused has carved out a strong case for grant of bail in his favour. The bail application succeeds and is allowed.”

6 The learned APP for the State strongly opposed the application and submitted that the applicant is involved in serious crime. A cash amount of Rs.1,36,77,400/- is found in his house. There is *prima-facie* strong evidence against this applicant. He will certainly pressurize the prosecution witnesses. It is lastly prayed to reject the application.

7 Perused the papers of investigation, particularly, the report and the *Panchanama* of the trap.

8 The applicant has roots in the society. He will not flee away from the trial. The trial will take long period. Considering the fact

that the applicant was suspended from his services by order dated 29th February, 2024, it is *prima-facie* not acceptable that he is involved in the said crime. Considering all these reasons, the applicant is entitled for bail on the principle that bail is rule and jail is exception. The application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.38 of 2024, registered with Sillod City Police Station, District Aurangabad, for the offences punishable under Sections 7 and 7A of the Prevention of Corruption Act, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant shall not tamper with the prosecution evidence, in any manner.
 - c) If any breach of the above conditions is noticed by the Trial Court, the Trial Court is at liberty to proceed further to cancel the bail of this applicant without reference to this Court.

9 It is made clear that the above observations are *prima-facie* in nature for the purpose of deciding the present application only. The Trial Court shall not get influenced by the same during trial.

[SANJAY A. DESHMUKH, J.]

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