



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

ANTICIPATORY BAIL APPLICATION NO. 1202 OF 2024

PRAKASH NAMDEO CHAFEKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Ganesh R. Thorat
APP for Respondents : Mr. S. P. Sonpawale
...

CORAM : S. G. MEHARE, J.

DATE : 26-08-2024

PER COURT :-

1. Heard the learned for the applicant and the learned A.P.P. for the respondents.
2. The applicant seeks pre-arrest bail in Crime No.280 of 2024 registered with Tuljapur Police Station, District Dharashiv, for the offence punishable under Sections 7, 7(a) of the Prevention of Corruption Act, 1988.
3. The applicant seeks pre-arrest bail on the ground that his pre-trap voice was not recorded and he did not accept the bribe. There was no trap while accepting the bribe. The trap was unsuccessful. Therefore, his custodial interrogation is not essential. However, he is ready to co-operate with the investigation, if he is enlarged on anticipatory bail.
4. The learned A.P.P. submits that the demand was recorded in voice recorder. However, the trap was unsuccessful.
5. The question, in this case, is whether offence is complete

and what investigation is to be done against the applicant. If the voice samples are recorded, the applicant, at the most, was required for further voice samples to be taken by the Investigating Officer. The trap was unsuccessful. Therefore, his custodial interrogation would serve no purpose. His voice samples may be recorded by appearing before the Investigating Officer. Hence, application deserves to be allowed.

ORDER

- i) Anticipatory Bail Application is allowed
- ii) In the event of arrest, applicant - Prakash Namdeo Chafekar be released on bail, on executing PB and SB of Rs.50,000/- with one solvent surety of like amount, in the above crime for the aforesaid offences, on the conditions that;
 - (a) He should appear before the Investigating Officer on 05.09.2024 to 09.09.2024 between 10.00 a.m. and 2.00 p.m., and thereafter, attend the police station as and when called by the Investigating Officer on written notice, till filing the chargesheet.
 - (b) He should not consume any medicine or substance that may change his natural voice.
 - (c) If the Investigating Officer feels that the applicant has tried to change his natural voice by consuming the medicine or substance, he may examine him before the Medical Officer and report to the concerned Special Court.

(S. G. MEHARE, J.)