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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1203 OF 2024

Manohar Pundlikrao Pawar

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. V.D. Sapkal, senior counsel i/b Mr. A.V. Indrale Patil

APP for Respondents: Mr. C.V. Bhadane

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CORAM : SHIVKUMAR DIGE, J.
DATED : 5th SEPTEMBER, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.109 of 2024 registered with Kuntur Police Station, district Nanded, for the offences punishable under Sections 7 and 12 of Prevention of Corruption Act, 1988.

2. It is the prosecution's case that the informant's daughter was studying in 12th standard in Dinanath Mangeshkar Secondary and Higher Secondary School at Somthana, Tq. Naigaon district Nanded. She passed in 12th standard from Science faculty. The applicant is the President of the said school whereas the accused No.2 is the Head Master of the said school. It is alleged that when the informant contacted the Head Master for issuance of Transfer Certificate (T.C.) of his daughter, the Head Master had demanded some article for the

school from the informant. When the informant was not inclined to give the article, he lodged a complaint with the office of Anti Corruption Bureau (ACB). It is alleged that the police verified the demand in presence of panchas. In the said demand, the Head Master had asked the informant to give cooler amounting to Rs.12,000/- to the school. It is alleged that the demand was verified. On the next day, when the informant went to the school with panchas to trap the Head Master and the applicant, at that time the Head Master was not present in the school. Then he contacted the Head Master on his phone. He told him to contact the applicant. Accordingly, he contacted the applicant, then the applicant asked him to give Rs.3000/- to the school but the trap of accepting the amount was not successful as the applicant and accused No.2 i.e. Head Master were not present in the school.

3. It is the contention of the learned senior counsel for the applicant that the applicant has been falsely implicated in this case. The allegations against the applicant are that he is President of the school, he was not present at the time of verification of demand by the ACB. When the informant had contract the applicant about giving article of the amount, at that time, the applicant has stated him to give Rs.3000/- to the school. The applicant never demanded any article or amount from the informant. Only once the informant called him for

giving article at that time the applicant told him to give the amount, which cannot be said that the applicant had demanded bribe. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

4. It is the contention of the learned APP that the applicant is the President of the said school. On his say, accused No.2 has demanded the amount. The said demand of bribe is verified in presence of panchas. The informant contacted the applicant on his phone, at that time, the applicant told him to give Rs.3000/- to the school, which shows his involvement in the crime. The applicant has criminal antecedents. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

5. It is the contention of learned senior counsel for the applicant that out of four cases registered against the applicant, in two cases, he is acquitted, in one case "B" summary report is filed and one case is pending since 2008, as the complainant in the said case is no more.

6. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. The allegations against the

applicant are that he is the President of the school where the daughter of the informant was studying and to give T.C. of the daughter of the informant, accused No.2 had demanded bribe in the nature of article. It appears that at the time of verification of demand of bribe, the applicant was not present and the informant had contacted him on his phone. At the time of laying of trap for accepting the bribe or the article, the applicant told to give Rs.3000/- to the school. During pendency of this bail application, the applicant has given his voice sample to the investigating officer. Considering these facts, the custodial interrogation of the applicant is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) The interim anticipatory bail granted to the applicant vide order dated 18.07.2024 stands confirmed on the same terms and conditions.

(SHIVKUMAR DIGE, J.)

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