



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1226 OF 2024

Pankaj Vasantryao Jawale
VERSUS
The State Of Maharashtra And Another

Mr. R. N. Dhorde, Senior Advocate i/b Mr. D. R. Jethliya, Advocate
for the applicant
Mr. S. P. Sonpawale, APP for the respondent/State
Mr. N. B. Patekar, Advocate for Assist to APP.

CORAM : S. G. MEHARE, J.
DATE : 19th AUGUST, 2024

PER COURT :-

1. Heard the learned senior counsel for the applicant, learned A.P.P. for the respondent/State and learned counsel for assist to APP.
2. The applicant seeks bail in C.R. No.0756/2024 registered with Tophkhana Police Station, Ahmednagar for the offences punishable under Sections 7A and 12 of Prevention of Corruption Act.
3. The applicant was the Municipal Commissioner. A report was lodged alleging that he was asking for a bribe for sanctioning money through his clerk. After lodging a report a trap was laid twice. However, the trap could not be succeeded. The

prosecution has a case that the clerk had consented to accept the bribe for him. The verification of demand of bribe was recorded. Since the trap could not be successful, investigation was made. The house property of his native and current residence was searched. However, no material was found.

4. Learned counsel for the respondent submits that the knowing about the trap the file was cleared out hurriedly. However, the allegations of demanding bribe are true. The material against the applicant was sufficient. A thorough investigation is possible only in police custody.

5. Learned senior counsel for the applicant submits that there is nothing against the applicant. Whatsoever the material is collected by the Investigating Officer is incomplete and vague. None of the voice recording showed that the applicant ever demanded bribe. Not only this before the alleged date of demanding bribe his file was cleared. After clearing the file the complainant was to deposit requisite court fees. His office was public office. So, many visitors used to meet him. Therefore, merely allowing him to meet in the chamber does not mean that the complainant was asked to pay the bribe. The prosecution could not collect evidence against the applicant. He has been

transferred from the Municipal Corporation, Ahmednagar. Therefore, there is no harm or danger to the witnesses and he would not interfere with the investigation.

6. Considering the nature of allegations, unsuccessful trap, and no recovery of dis-proportionate property at his native and residential place, the Court is of the view that the custodial interrogation of the applicant would serve no purpose. Hence, pre arrest bail may be granted on certain condition. Hence, the order :-

ORDER

- i) The application is allowed.
- ii) In the event of arrest, applicant Pankaj Vasantao Jawale be released on anticipatory bail, on furnishing PB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
 - (a) He should not tamper with the prosecution witnesses.
 - (b) He should attend the Police Station as and when called by the Investigating Officer on written notice till filing charge-sheet.
 - (c) He shall not transfer his own immovable property without the leave of the Court till conclusion of the trial

(S. G. MEHARE, J.)

ssp