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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

967 ANTICIPATORY BAIL APPLICATION NO. 1249 OF 2024

Bahinaji Sitaram Warwante

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Amit A. Mukhedkar

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 Head Master whereas accused No.1 is President of the said school. It is alleged that when the informant contacted the applicant for issuance of Transfer Certificate (T.C.) of his daughter, the applicant has demanded some article for the school from the informant. The informant was not inclined to give the article, hence 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 applicant has 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 applicant and accused No.1, at that time the applicant was not present in the school. Then he contacted the applicant on his phone. He told him to contact the accused No.1. Accordingly, he contacted accused No.1. Then accused No.1 asked him to give Rs.3000/- but the trap of accepting the amount was not successful as the applicant and accused No.1 were not present in the school.

3. It is the contention of the learned counsel for the applicant that the applicant is Head Master of said school. The applicant had not asked anything for himself. He has not made the demand with dishonest intention. The applicant has given T.C. of the daughter of the informant to him. There is no acceptance of any amount by the applicant. The allegations are only in respect of demand. For the said allegations of demand, the custodial interrogation of the applicant is not required. The applicant has given his voice sample when he was on interim anticipatory bail. No custodial interrogation of the applicant is required and requested to allow the application.

4. It is the contention of the learned APP that the applicant has demanded the article in lieu of money to issue the T.C. of the daughter of the informant. As per the provisions of the Prevention of Corruption Act, if the public servant demands article or money for doing his duty it is an offence. The informant's daughter was entitled to get the T.C. after passing in the 12th standard but the applicant demanded article to give the said T.C. The demand of article is verified in presence of the panchas. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

5. 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 was Head Master of the said school and he demanded articles from the informant to give T.C. to his daughter. The demand of article is verified in presence of panchas. The applicant was on interim bail. 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 23.07.2024 stands confirmed on the same terms and conditions.

(SHIVKUMAR DIGE, J.)

rlj/