



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 ANTICIPATORY BAIL APPLICATION NO. 1731 OF 2024

RAJESH MAHADEO MANE
VERSUS
THE POLICE INSPECTOR AND OTHERS

...
Advocate for Applicant : Mr. Salunke Sudarshan J
APP for Respondents/State : Mr. P.P. Dawalkar
...

CORAM : ARUN R. PEDNEKER, J.
Dated : November 26, 2024

PER COURT :-

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is apprehending arrest in connection with Crime No. 427/2024 dated 6.9.2024 registered at Shivajinagar Police Station, District Beed for the offences punishable under sections 7 and 12 of the Prevention of Corruption Act, 1988.
3. The learned counsel for the applicant submits that primarily the case against the applicant is for abatement under section 12 of the Prevention of Corruption Act. It is the case of the complainant as reflected from the F.I.R. is that he had faulty meter and as such, one Smt. Bedre has demanded bribe of Rs.16,000/- for installation of new meter and for not prosecuting the informant for the offence of theft of electricity. On the complaint made by the complainant, the trap was laid for Smt. Bedre. Complainant had met with Smt. Bedre as per the time given by her with panchas. At that time, Smt. Bedre had demanded bribe amount to him. Thereafter, on instructions of Smt. Bedre, the complainant met with applicant at Palwan Chowk, Beed

in presence of panch. At that time, during conversation, the complainant informed applicant about the faulty meter of the complainant and the applicant asked the complainant whether he is ready to deposit the amount for electricity meter and also if amount is not paid, there would be prosecution under section 132 of Electricity Act. At that time the complainant informed applicant that Smt. Bedre has asked for Rs.16,000/- for installation of new meter and for non prosecution. In the conversation, the complainant has shown readiness to pay amount of Rs.12,000/- and thereafter, the applicant had asked the complainant to meet Smt. Bedre and informed complainant that she was charging less amount. The applicant is not involved further after the above incident.

4. The learned APP strongly opposed the application and granting anticipatory bail to the applicant.

5. On perusal of the F.I.R., it is seen that there is no direct allegation of accepting amount by the applicant. Allegation against the applicant is that he had asked the complainant to meet Smt. Bedre. Thereafter, applicant met with Smt. Bedre and she was caught red handed while accepting amount of Rs.16,000/- from the complainant and the case is registered against Smt. Bedre and against the present applicant for aforesaid offences. Allegation of abatement is against the applicant. He has not received the bribe money and he was not directly caught while accepting the bribe. Also there is no demand from the applicant. In view of the above, I hold that custodial interrogation of the applicant is not necessary.

6. In view of the above, the application is allowed in the following terms :

i] In the event the applicant is arrested in connection with Crime No. 427/2024 dated 6.9.2024 registered at Shivajinagar Police Station, District Beed for the offences punishable under sections 7 and 12 of the Prevention of Corruption Act, 1988, he shall be released on bail on furnishing PR bond of Rs.15,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the police station as and when required.

iii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

7. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

8. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

ssc/