



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1615 OF 2023

Nandakumar Vishnu Dudhal

....Applicant

VERSUS

The State Of Maharashtra & Another

.....Respondents

.....

Mr. Satej Jadhav, Advocate for applicant.

Mr. A.R. Kale, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 6th FEBRUARY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No. 807 of 2023, registered with Shirdi Police Station for offence punishable under Section 7 of Prevention of Corruption Act, 1988.

2. FIR is lodged by Amit Kute alleging that he is running hotel at Shirdi. He had filed one complaint against public servant in Anti Corruption Bureau. Police Inspector Shri. Nandkumar Dudhal and Police Constable Shri. Gadakh demanded Rs. 1 Lakh from informant in order to avoid externment proceeding against him. Since informant was not willing to pay bribe amount, he gave complaint to Anti Corruption Bureau. Accordingly, on 15.06.2023, Smt. Vaishali Patil, Deputy Superintendent of Police,

Bhagyawant Punde

Anti Corruption Bureau, had arranged trap to verify demand of bribe. Informant was sent to accused persons with voice recorder. He was accompanied by panch Shri. Kambale. Informant made a phone call to Shri. Gadakh, who told him that he should not go to Shirdi Police Station and informant should meet him at the back side of Police Station in one colony. Accordingly, informant and panch Kambale went in one colony behind Shirdi Police Station, by Swift D-Zire car. They met police constable Gadakh, who demanded bribe of Rs. 1,00,000/- to 1,50,000/- for and on behalf of Police Inspector Dudhal, in order to help informant in diluting prosecution under section 354 of IPC and to avoid externment proceeding under MPDA Act. Said amount was fixed to Rs. 30,000/-.

3. On 26.07.2023, informant along with panch Kambale went to meet Police Inspector Dudhal. They met constable Gadakh at Shirdi Police Station. He again demanded bribe of Rs. 1 Lakh for Police Inspector Dudhal. Then informant and panch proceeded towards cabin of Police Inspector Dudhal. Police Constable Gadakh stopped panch Kambale outside the cabin and entered cabin of Police Inspector Dudhal with informant. Police Inspector Dudhal asked informant as to how many offences are

registered against him. Informant replied, there are three offences registered against him. Thereafter, there was discussion between PI Dudhal and informant about externment proceeding. Then PI Dudhal told informant to wait outside the cabin and he would convey message through *Dada* (Police). Thereafter, Constable Gadakh came out of the cabin and talked with informant. He typed digit 1 on his cell phone which indicated that amount of bribe was demanded to the tune of Rs. 1 Lakh. Informant then told that he would arrange amount of Rs. 70,000,- and for remaining amount the should wait for a while.

4. The trap was fixed on 27.07.2023, but as Police Inspector Dudhal and Constable Gadakh were not present at Shirdi Police Station, the trap could not be effected. Police Inspector Dudhal and Constable Gadakh did not come to Shirdi Police Station on that day, as according to informant they got information in respect of trap.

5. Heard learned advocate for applicant and learned APP for respondents. Perused the investigation papers.

6. CCTV footage of cabin of applicant is already seized, so also voice sample of applicant is taken. The trap is admittedly,

not successful. Considering the allegations made in the FIR and the investigation papers, pre-trial custodial detention of applicant is not necessary in the facts of the present case. The application, is therefore allowed by confirming the interim protection granted on 03.10.2023.

[NITIN B. SURYAWANSHI, J.]