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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

941 ANTICIPATORY BAIL APPLICATION NO. 1516 OF 2024

Sagar Eknath BhapkarApplicant

VERSUS

The State of Maharashtra & anotherRespondentS

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Mr. N. B. Narwade, Advocate for Applicant.

Mr. B. B. Bhise, APP for the State.

AND

947 ANTICIPATORY BAIL APPLICATION NO. 1551 OF 2024

Shailaja D/o Rajabhau Devkate
@ Shailaja W/o Dattatraya BachkarApplicant

VERSUS

The State of Maharashtra & anotherRespondents

Mr. A. D. Ostwal, Advocate for Applicant.

Mr. B. B. Bhise, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 18th OCTOBER, 2024.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 0835/2024, registered with Tophkhana Police Station, Dist. Ahmednagar, for the offences punishable under Sections 7 and 12 of the Prevention of Corruption Act.

2. Applicants are Talathi and Circle Officer. The first informant had sought mutation in respect of the property. He, therefore, approached for recording said mutation entry. It is alleged in the First Information Report that Applicant Talathi instructed him to meet Applicant Circle Officer and told him that if he meets her then only his mutation would be approved. It is alleged that on 04.03.2024, informant approached the Circle Officer who had demanded Rs.44,000/-. It is stated by the informant that considering the said amount to be Government fees, he paid the said amount to her on 11.03.2024. On 13.03.2024, Talathi uploaded the mutation entries and thereafter the informant is said to have gone to the Talathi on his phone call. He further states that he made an inquiry and then found that there is no fees applicable for mutation. He, therefore, concluded that the Circle Officer has demanded Rs.44,000/- as bribe from him. It is stated that Talathi also demanded the same amount. As he did not want to pay the said bribe, he approached the Anti Corruption Bureau on 19.03.2024. Verification of the demand was done. It is claimed by the informant that the Circle Officer has accepted payment of Rs. 44,000/- made to her as well as called upon the informant to pay such amount to the

Talathi. Subsequently, however, it seems that the Talathi was suspicious about the informant and therefore, he did not accept his phone call thereafter. On the basis of these allegations, report came to be lodged against the Applicants.

3. Learned counsel for Applicants submit that on the basis of First Information Report itself, it is not acceptable that after the work of mutation was done, any demand of bribe is made by Talathi. Insofar as the allegation in respect of payment of money i.e. amount of Rs. 44,000/- to Circle Officer is concerned, it is contended that informant himself states that he thought it to be the fees. Learned counsel for Applicants have pointed out that the informant is not a common man having no knowledge about the transaction done in respect of mutation entry in the record. It is contended that he works as a bond writer. There is also allegation that he has criminal history behind him.

4. Learned APP opposed the applications by pointing out the record of conversation between informant and Circle Officer. He has also contended that this is a case wherein the Circle Officer has

accepted amount of Rs. 44,000/- by way of bribe and Talathi has demanded similar amount for performing his work.

5. There is document on record to indicate that on 13.03.2024, mutation was recorded and it was approved on 14.03.2024. In the light of this fact, this Court finds it difficult to accept the contention of informant that after doing the said work, demand of bribe is made by Talathi. Insofar as allegation against the Circle Officer of accepting Rs. 44,000/- is concerned, if it was realised to the informant that the said amount is not towards fees but by way of bribe, the report has been lodged belatedly i.e. on 26.07.2024. Having regard to these facts, this Court finds substance in the contention of learned counsel for the Applicant that this could be a case of false implication.

6. Learned APP opposed the application by pointing out criminal antecedents against the Circle Officer in Crime No. 1130/2018 in respect of similar offence registered with Kotwali Police Station. Even if it is accepted that the Circle Officer has no clear criminal record, insofar as present case is concerned, owing to the delay in lodging report and since this is a case wherein custodial

interrogation of the Application is not necessary, it is fit case for grant of anticipatory bail. Hence, the following order :-

ORDER

- (i) Both the applications are allowed.
- (ii) In the event of arrest of applicant in connection with 0835/2024, registered with Tophkhana Police Station, Dist. Ahmednagar, for the offences punishable under Sections 7 and 12 of the Prevention of Corruption Act, they be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) each with one surety each in the like amount.
- (iii) They shall attend the concerned police station once in a week.
- (iv) They shall not contact the witnesses directly or indirectly.
- (v) They shall not interfere with the evidence in any manner whatsoever.
- (vi) They are further directed to cooperate the investigating agency for further investigation.

(vii) Learned APP to communicate this order to the concerned Investigating Officer.

(R. M. JOSHI)
Judge

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