

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 908 OF 2024

Nandabai Pandurang Divase	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Purushottam Gopal Chavan i/b Sachin Padaye, for the applicant.

Mr. Avinash A. Naik , APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE : 5th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R No. 146 of 2024 registered at Sangola Police Station, Solapur, on 15/02/2024, under Sections 7 and 7A of the Prevention of Corruption Act, 1988.

2. Heard Mr. Chavan, learned counsel for the Applicant and Mr. Naik, learned APP for the Respondent-State.

3. The FIR is lodged by one Ajit Patil. He has stated that

he was allotted the work of completing a construction in front of a temple in Alegaon Grampanchayat. He had completed the work and had prepared the bill for Rs.4,24,463/-. It is his case that for making that payment to him through the Grampanchayat, the Applicant, who was Sarpanch and her husband Pandurang were demanding 2% of the amount i.e. Rs. 8,000/- as the bribe. On 17/01/2024, the informant gave his complaint to the Anti Corruption Bureau, Solapur. They decided to verify the complaint of the informant. Therefore, on the first occasion, they sent the panchas with the informant. The informant was given a voice recorder. They went to the Applicant's house. At that time, only the Applicant was present in the house. The informant brought up to the subject of the payment of his bill. At that time, the Applicant told him that he should complete the work of colouring that construction. Nothing much transpired. After that, on 23/10/2024, the informant was called by the Applicant's husband. The informant told PI Koli. Again the trap was laid to verify the demand. Again the panchas and the informant went to the Applicant's house. He was carrying the voice recorder. At that

time, he was discussing about his payment with the Applicant's husband. He demanded Rs. 10,000/- in all, including the previous bill of Rs. 2000/- in respect of the other work. At that time, the Applicant was also present in the house. That time there was no discussion with the Applicant and she had not demanded any amount and, therefore, again they decided to verify the demand. Again the informant went to the Applicant's house. The Applicant signed the cheque. At that time, the Applicant's husband told the informant to make payment as per the informant's convenience. PI Koli then decided to wait for some time.

4. On 29/01/2024, the informant told PI Koli that he could meet the Applicant and her husband in the Grampanchayat Office. Therefore, further arrangement was made to conduct a trap. The informant produced Rs. 10,000/-. Numbers of the currency notes were noted. They were coated with anthracene powder. The raiding party went to the agricultural land of the Applicant and her husband. But the Applicant was neither present in the office nor in the field. Therefore, again nothing further

transpired. The informant and the panchas then went to the Applicant's house and met her. At that time, her husband was not in the house. The informant asked her whether he should pay Rs. 10,000/- to her. At that time, she categorically stated that he should not pay to her and that he should decide it between themselves. Again the informant left that house. According to the informant, the conversation meant that the Applicant had asked him to pay to her husband. Again preparation to lay a trap was made. On 15/02/2024, the Applicant and her husband were to go the Grampanchayat Office. The informant again approached the Applicant in her agricultural field and asked whether he should pay that amount to one Kaka. She said yes. But she herself did not accept the money. Therefore, the informant again came back. On another occasion again the preparation was made to lay a trap. On one occasion the Applicant's husband asked the informant to make the payment to one Bandu. Finally, on 15/02/2024, when the Applicant and her husband were coming out of the Grampanchayat Office, the informant met them. At that time, allegedly, the Applicant's husband asked the informant to make the

payment. The informant gave the currency notes kept in an envelope to the Applicant's husband who kept it in his pocket. The raiding party came there and accosted him. The currency notes were seen under the ultra violet lamp. Anthracene Powder was found on them. On this basis, the FIR is lodged and the investigation was conducted.

5. Learned counsel for the Applicant submitted that the entire narration itself shows that somehow the informant wanted to implicate her. There was neither any demand nor any acceptance. The anthracene powder was not found on the hands of the Applicant's husband. The informant belonged to the rival political party and, therefore, he wanted to implicate the Applicant falsely. There was nothing incriminating even in the conversation between the informant and the Applicant.

6. Learned APP produced the investigation papers before me. Those contain the FIR, pre-trap panchnama and the post trap panchnama.

7. I have considered these submissions and I have perused the documents. As can be seen from the above discussion, the informant was repeatedly approaching the Applicant and her husband and was almost behind them to accept the amount. There is no direct demand attributed to the present applicant. In fact, on a couple of occasions, when the informant had offered to make the payment, she had refused. The narration shows that on many occasions the trap was not successful and finally when it was successful, the circumstances were doubtful. The Applicant had not accepted any amount nor had demanded anything at that point. The anthracene powder is not seen on the fingers of the Applicant's husband. All these circumstances raise sufficient doubt against the prosecution story.

8. In this view of the matter, the Applicant's custodial interrogation is not necessary. She can be protected under section 438 of Cr.P.C. Hence the following order.

ORDER

(i) In the event of her arrest in connection with C.R

No. 146 of 2024 registered at Sangola Police Station, Solapur, the Applicant is directed to be released on bail on her executing PR. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The Applicant shall co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)