

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

BAIL APPLICATION NO. 1942 OF 2024

Bhagwan *alias* Bhagwat Janardhan Bagal

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Ritesh Thobade a/w. Ms. Ankita Pramod Rai, Ms. Zubi Ansari &
Mr. Changdev Shingade, for the Applicant.
Ms. Savita M. Yadav, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATE: 10.05.2024

P. C.

1. Heard Mr. Thobade, learned Counsel for the Applicant and Ms. Yadav, learned APP for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:

1.	C. R. No.	191 of 2024
2.	Date of registration of F.I.R.	26.03.2024
3.	Name of Police Station	Pandharpur City, Solapur(Rural)
4.	Section invoked	7(a) of the Prevention of Corruption Act, 1988
5.	Date of incident	26.03.2024
6.	Date of arrest	26.03.2024
7.	Date of filing of Charge-sheet	

3. As per the prosecution case, on 26.03.2024 between 13.39 hrs and 14.45 hrs in the premises of Pandharpur Tahsil Office,

Pandharpur, the Applicant had demanded an illegal gratification to help the informant for early disposal of the chapter case. Therefore, a trap was laid and the Applicant was apprehended while accepting a bribe of an amount of Rs.1,000/-.

4. It is the submission of Mr. Thobade, learned Counsel for the Applicant that the Applicant is not a public servant and *prima facie*, the offence punishable under Section 7(a) of the *Prevention of Corruption Act, 1988* is not made out against the Applicant. In any case, he submitted that the minimum and maximum punishment for the said offence is imprisonment for three years and seven years respectively. He submitted that investigation is practically completed. There are no antecedents. Therefore, he prayed that the Bail Application be allowed.

5. On the other hand, Ms. Yadav, learned APP vehemently opposed the Bail Application. She submitted that investigation is in progress and Charge-sheet is not yet filed.

6. However, *prima facie*, there is substance in the contention of Mr. Thobade, learned Counsel for the Applicant that the Applicant is not a public servant. In any case, the Applicant is incarcerated since 26.03.2024. Therefore, it can be safely said that investigation is on the verge of completion.

7. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

8. The Applicant does not have any criminal antecedents.

9. The Applicant does not appear to be at risk of flight.
10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
11. In view thereof, the following order:

ORDER

(a) The Applicant - Bhagwan *alias* Bhagwat Janardhan Bagal be released on bail in connection with C. R. No.191 of 2024 registered with the Pandharpur City Police Station, District-Solapur on his furnishing P. R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall report to the Pandharpur City Police Station, District – Solapur on the Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(d) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case, so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the prosecution

evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

12. The Bail Application is disposed of accordingly.

13. It is clarified that the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]