

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

ANTICIPATORY BAIL APPLICATION NO. 393 OF 2024

Ravindra Narayanrao @ Narayan Babar

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Ritesh Thobde a/w. Ankita P. Rai a/w. Zubi Ansari a/w. Sagar Tambe for Applicant.

Mr. M. S. Sonavane, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 13 FEBRUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 27 of 2024 registered at Faujdar Chavdi Police Station, Solapur City, on 19.01.2024, under section 7 of the Prevention of Corruption Act, 1988.

2. Heard Mr. Ritesh Thobde, learned counsel for the applicant and Mr. Sonavane, learned APP for the State.

3. The F.I.R. is lodged by one Ajit Rathod. He was an accused in C.R.No.633 of 2023 registered at Vairag police station, Solapur, on 30.11.2023, under sections 65(E) and 65(F) of the

Maharashtra Prohibition Act. It is his case that, in that connection, the police had seized a four wheeler belonging to the informant's friend Sunil Chavan and his wife Asha Chavan. The offence was investigated by the present applicant who was the police constable attached to Vairag police station. The F.I.R. mentions that the applicant was demanding Rs.1,50,000/- for not adding Section 328 of the I.P.C. and for releasing the vehicle seized in the offence.

4. On 04.12.2023, the applicant had called the informant at Bale. The informant approached the anti corruption bureau. They arranged to conduct verification. The informant was given a recording device. It is alleged that the informant met the applicant at the decided spot. The applicant typed the figure of Rs.1,50,000/- on his mobile phone. The informant typed the figure of Rs.1,30,000/- on that mobile phone. The applicant was not willing to accept the lesser amount, but they decided to meet afterwards. The informant met the officers of the A.C.B. They arranged to conduct a trap. They had kept the amount consisting of genuine and counterfeit notes. But subsequently, the applicant did not take any steps for accepting the amount. Instead, the

applicant completed the procedure of releasing the informant formally on bail and also took steps in releasing the vehicle. On these allegations the F.I.R. is lodged.

5. Learned counsel for the applicant submitted that, even as per the F.I.R. it is quite clear that the applicant has not accepted the bribe amount. The allegations regarding demand of bribe amount are vague. The informant himself is having other antecedents against him. The informant is trying to pressurize the police officers of Vairag police station and, therefore, false F.I.R. is lodged.

6. Learned APP opposed these submissions. He submitted that, there is a strong possibility that some senior officers of the police are involved in this case on whose behalf the applicant had demanded that amount. He produced the investigation papers before the Court.

7. I have considered these submissions and I have perused the investigation papers. In particular, I have perused the transcript of conversation between the informant and the applicant

when the applicant had allegedly demanded Rs.1,50,000/-. The said transcript is not very clear in terms of the demand. As far as demand of Rs.1,30,000/- is concerned, it was typed on mobile phone. Therefore, there is no corroborative evidence in that transcript. The other conversation does not clearly point to the only possibility of demand of that amount. The available conversation can be interpreted either way. The applicant has not taken any steps to demand that amount again. It is also an admitted fact that the applicant had never tried to get that money from the informant at any point of time subsequently. He had completed the work of releasing the informant on bail and also releasing the vehicle. At no stage, he halted the work for not getting the amount. In this background, there is a reasonable possibility that the applicant may not have committed this offence. Therefore, custodial interrogation of the applicant is not necessary. It is sufficient if he co-operates with the investigation.

8. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No. 27 of 2024 registered at Faujdar Chavdi Police Station, Solapur City, the applicant is directed to be released on bail on his executing P. R. 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 attend the office of the investigating agency as and when called and shall cooperate with the investigation.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)