

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

BAIL APPLICATION NO. 1092 OF 2024

Sudhakar Krushna Kumbhar .Applicant

Versus

The State of Maharashtra .Respondent

Mr. R. M. Haridas i/b. Mr. Dilip Shinde, Advocates, for the Applicant.
Ms. Veera Shinde, APP, for the Respondent – State.

CORAM: MADHAV J. JAMDAR, J.

DATE: 03.05.2024

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1. Heard Mr. Haridas, learned Counsel for the Applicant and Ms. Shinde, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973* in connection with C. R. No.446 of 2023 registered with the Atpadi Police Station, District – Sangli for the offences punishable under Sections 7, 7A, and 12 of the *Prevention of Corruption Act, 1988*.

3. As per the prosecution case, the Informant's father gifted an immovable property to his mother. For the purpose of mutating the name of the Informant's mother in 7/12 extract with respect to land in question, the present Applicant, being Talathi of the village, demanded an amount of Rs.2,000/- as a bribe. Therefore, the Complainant approached the Anti Corruption Bureau and lodged a complaint. The Applicant was apprehended on 30.12.2023 while accepting the bribe of Rs.2,000/- from the Complainant. After

completion of investigation, the Charge-sheet was filed.

4. It is the contention of Mr. Haridas, learned Counsel for the Applicant that investigation is complete and Charge-sheet has been filed. He submitted that the main ground for rejection of bail of the Applicant was that the Applicant has earlier committed the same offence and the present offence was committed when he was released on bail in the first offence and therefore there is an apprehension that the Applicant will commit the same offence again. Mr. Haridas submitted that the Applicant is an ex-Service Man aged 55 years. He submitted that the Applicant has no intention to continue his service. In fact, the Applicant has tendered his resignation by a letter dated 25.04.2024. He tendered an Affidavit-cum-undertaking of Malan Sudhakar Kumbhar, wife of the Applicant. He submitted that the Applicant has no intention to continue with his services. Therefore, the apprehension which is mentioned in the Order of the learned Sessions Court rejecting the Bail Application may not survive.

5. On the other hand, Ms. Shinde, learned APP vehemently opposed the Bail Application. She submitted that the Applicant had committed the offence in question when he was released on bail in an earlier similar offence.

6. A perusal of the record shows that the F.I.R. was lodged on 30.12.2023. The Applicant was apprehended on 30.12.2023. The Charge-sheet was filed on 26.02.2024. Thus, investigation is complete. The Applicant is about 55 years old. The Applicant is an ex-

Serviceman and he joined his services as Talathi in the year 2012 after he retired from the military services. As the Applicant has already tendered his resignation, there is no apprehension that the Applicant will commit the same offence again.

7. Mr. Haridas, learned Counsel for the Applicant submitted that he has instructions that presently, the Applicant is facing a Departmental Enquiry and he is under suspension. The Applicant has no intention to continue with his service and therefore has tendered his resignation.

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

9. The Applicant does not have any criminal antecedents.

10. The Applicant does not appear to be at risk of flight.

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

12. In view thereof, the following order:

ORDER

(a) The Applicant – Sudhakar Krushna Kumbhar be released on bail in connection with C. R. No.446 of 2023 registered with the Atpadi Police Station, District- Sangli 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 Atpadi Police Station, District- Sangli once a week on the Sunday 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.

13. The Bail Application is disposed of accordingly.

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

[MADHAV J. JAMDAR, J.]