

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

ANTICIPATORY BAIL APPLICATION NO.847 OF 2024

Jayshree Mahesh Kavade Applicant
versus
State of Maharashtra Respondent

.....

- None present for Applicant.
- Ms. Poonam P. Bhosale, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 07th MAY, 2024

P.C. :

1. The office has placed this matter for Speaking to the Minutes of the order dated 01/04/2024 because there is typographical error in the first paragraph. The C.R. number is mentioned as 'C.R.No.847/2024'. The correct C.R. number is 'C.R.No.145/2024'. The typographical error be corrected and the corrected order of uploaded.
2. Rest of the order shall remain as it is.

CORRECTED ORDER DATED 01/04/2024 :-**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO.847 OF 2024**

Jayshree Mahesh Kavade Applicant

versus

State of Maharashtra Respondent

.....

- Mr. Asit Chaware, Advocate for Applicant.
- Ms. Poonam P. Bhosale, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 01st APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.145/2024, dated 13/03/2024, registered with Loni Kalbhor Police Station, Pune City, under sections 7A and 12 of the Prevention of Corruption Act, 1988.
2. Heard Mr. Asit Chaware, learned counsel for the Applicant and Ms. Poonam P. Bhosale, learned APP for the State.

3. The FIR is lodged by one Omkar Pawar. He has stated that his maternal grandfather had a land at village Kolwadi, Taluka Haveli, District Pune at Survey No.155/8, Gat No.697. The owner Laxman Bhadale i.e. the informant's grandfather passed away. The informant made enquiries about that land. He came to know that out of the entire area, about 5.34 R area was shown in the name of one Kamal Gaikwad in the revenue records. The informant made applications for his grandmother Baby Pawar and others for restoring their names in the revenue record. Tahasildar Haveli had passed an order in their favour on 18/12/2023. As per that order of the Tahasildar, Talathi of Kolwadi, effected the Mutation Entry No.13902. For acceptance of that entry, it was sent to the present Applicant, who was the Circle Officer. The entry was sent to her on 01/03/2024. The informant and his uncle met the Applicant on 06/03/2024. At that time, she told the informant to meet one unknown person, who was sitting next to her. The informant and his uncle came outside the office and had conversation with that person. He demanded Rs.10,000/- for the Applicant. The informant did not

want to pay that amount and therefore he approached the Anti-Corruption Bureau, Pune.

4. The informant was told that the Applicant had gone out of that village for some work and she was to return to her office on 12/03/2024. The ACB decided to lay a trap on 12/03/2024. The informant was told about the voice recorder. The informant and one of the Panchas went to the Circle Officer's office at Theur and met the same unknown person. He told the informant that the Applicant was on the election duty and that the informant should talk with her. The informant called on the Applicant's mobile number and at that time she told the informant to talk with Yogesh and Chhotya from her office. The informant came to know that the person who was sitting in Cabin No.2 was Yogesh, who in turn told the informant to meet the person sitting in Cabin No.3. The informant went there. That person in Cabin No.3 made a sign of 10. The informant requested to reduce it. Then that person made sign of 7, thereby demanding Rs.7,000/-. Yogesh accepted that figure by making a signal. The demand thus was verified. The informant

brought Rs.7,000/- in the currency notes of Rs.500/-. The number on the notes were noted down. Anthracene powder was applied to these notes and further steps were taken to complete the trap.

5. The informant again went to the Circle Officer's office at Theur and met that unknown person. He gave an empty envelope and told the informant to keep that amount in the envelope. The informant kept the amount in that envelope. That unknown person accepted that envelope and kept it in his right pocket. The informant gave the signal. The raiding party came there and caught that person. He gave his name as Vijay Naiknavare. The currency notes were taken from him. After that, the informant and one Pancha Jadhav went inside the office and met Yogesh. He was carrying a voice recorder. At that time, Yogesh accepted that he had told Vijay to accept that amount. Thereafter, the Applicant herself made a return call on the informant's number. At that time, the informant told her that he had paid Rs.7,000/-. After that, the Applicant told him that she would do the work. On these allegations, the FIR is lodged.

6. Learned counsel for the Applicant submitted that there is neither direct demand nor direct acceptance by the present Applicant. There is no connection between the Applicant and Yogesh. He further submitted that in any case, there was nothing wrong if the Applicant had taken help from some third persons, who were not employees of her office because the work load was heavy and there was a big crowd everyday in her office. That by itself does not show her complicity in the offence. He submitted that the Applicant is a 50 year old lady and is a public servant and therefore on these false allegations, it would cause serious prejudice to her if she is arrested.

7. Learned APP opposed these submissions. She has tendered the 'say' of the investigating agency. It is taken on record. It is mentioned in that 'say' that the informant had told the Applicant that he had paid Rs.7,000/-. On that, the Applicant had replied that she would do the work. After that, the informant further told her that Rs.7,000/- was paid to someone called Vijay and he further asked that whether the

work would be done on that date. Learned APP relied on this conversation. It is further mentioned in that reply that there were other complaints against the Applicant and in the past on 17/10/2022, she was even suspended. In another matter, the same Vijay had demanded Rs.80,000/- on behalf of the Applicant for accepting another mutation entry in another matter. For that purpose, a different C.R.No.189/2024 was registered on 31/03/2024.

Thus, according to the investigating agency, the investigation has revealed that the Applicant was committing such acts through Vijay.

8. I have considered these submissions. There is sufficient material against the present Applicant. The conversation mentioned in the FIR is incriminating. It is not possible to accept the submissions that there was nothing wrong in the Applicant taking help of third persons, in connection with her work. The narration in the FIR itself shows that the persons Yogesh and Vijay, who had nothing to do with the office and who were not

the employees of the said office; were used by the Applicant. Only at her behest, the informant had to meet these persons. One of them had actually accepted the Anthracene coated notes. Yogesh had taken part in negotiating and fixing the amount of Rs.7,000/-. The conversation subsequent to acceptance of amount is also incriminating.

9. Considering this serious and definite material against the present Applicant, her custodial interrogation is necessary. The allegations in the FIR, do not appear to be baseless. They are supported by the verification of the demand. In this view of the matter, the Applicant cannot be protected u/s 438 of Cr.P.C. The application is rejected.

(SARANG V. KOTWAL, J.)