

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1013 OF 2024

YUGANDHARA
SHARAD
PATIL

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Devendra @ Deva Hiralal Khinvasara Applicant

Versus
The State of Maharashtra Respondent

Mr. Yuvraj Narvankar , for the applicant.

Ms. Rajeshree V. Newton , APP for the State/Respondent.

Mr. Milind R. Deshpande, for original Complainant.

CORAM :SARANG V. KOTWAL, J.
DATE : 16th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R No. 91 of 2024 registered at Saswad Police Station, Pune, on 07/03/2024, under Section 7(a) of the Prevention of Corruption Act, 1988. Learned APP submitted that the correct section will be Section 7-A of the Prevention of Corruption Act, 1988.

2. Heard Mr. Narvankar, learned counsel for the

Applicant, Ms. Rajeshree Newton, learned APP for the Respondent-State and Mr. Deshpande, learned counsel for the Informant.

3. The FIR is lodged by one Ajay Makare. He has stated that sometime back his truck was caught by some RTO Officers for over loading. The RTO officers had imposed fine of Rs. 70,500/- . At that time one Javed had met the informant and told him that he was in a position to protect the informant's trucks, if the informant paid Rs. 4,000/- per month per truck for the RTO Officers. He further told the informant that he was collecting the money for RTO Officers. He named others who were similarly collecting the money. The informant did not want to pay such money. Therefore, he approached the Anti Corruption Bureau at Pune. The conversation between the informant and Javed was recorded to verify the informant's case. Therefore the trap was laid. It is the case in the FIR that the trap was successful and Javed was caught accepting currency notes of Rs. 20,000/- which were coated with anthracene powder. Thereafter, the Police Inspector Jangade directed Javed to make a phone call to the present Applicant. The conversation showed that the arrested accused Javed was asking

the present Applicant as to where Javed should meet him for giving the list. The FIR thereafter mentions the conversation between Javed and the other accused. This is the only reference to the Applicant's name in the entire FIR. On this basis the FIR is lodged.

4. Learned counsel for the Applicant submitted that the present Applicant is not a public servant. Even the arrested accused Javed is not a public servant. Therefore, provisions of the Prevention of Corruption Act are not applicable. He further submitted that the allegations against the present Applicant are vague. They are not incriminating at all and therefore, on the basis of this weak evidence, Applicant's custodial interrogation is not justified.

5. Learned APP produced the investigation papers. She submitted that the informant had lodged one NC against the present Applicant and the other accused on the allegations that they had threatened him to withdraw the complaint. She submitted that the role of the present applicant is reflected in the

FIR. She submitted that during the investigation, statement of Javed was recorded. Based on that statement, she opposed to grant anticipatory bail. Mr. Deshpande, learned counsel for the complainant, supported the submissions made by the learned APP.

6. I have considered these submissions and I have perused the statement of Javed recorded on 07/03/2024. Even that statement is quite vague as far as the present Applicant is concerned. There are no specific allegations against the present Applicant that he had promised to pay that amount to any RTO Officer. The conversation referred to in the FIR between Javed and the informant is quite vague. There was neither any direct demand nor any such conversation made by the present Applicant. The present Applicant himself is not an RTO Officer. The allegations about the Applicant threatening the informant, which is a subject matter of NC are also quite vague and police have not taken any further action on that basis by approaching the Court. Therefore, at this stage, there is hardly any material against the present Applicant warranting his custodial interrogation. The

arrested accused Javed is already released on bail. In this view of the matter, the Applicant can be protected under section 438 of Cr.P.C., he will have to co-operate with the investigation. Hence the following order.

ORDER

- (i) In the event of his arrest in connection with C.R No. 91 of 2024 registered at Saswad Police Station, Pune, the Applicant is directed to be released on bail on his 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.)