

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

ANTICIPATORY BAIL APPLICATION NO.2633 OF 2021

Ravi Tanaji Londhe

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr. Aniket Nikam a/w Mr. Satyajeet Mane a/w Mr. Dushyant Digambar, Advocate for Applicant.
- Smt. M. H. Mhatre, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 06th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.367/2021, dated 03/10/2021, registered with Khadak Police Station, Pune City, under sections 7 and 12 of the Prevention of Corruption Act, 1988.

2. Heard Mr. Aniket Nikam, learned counsel for the Applicant and Smt. M. H. Mhatre, learned APP for the State.

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3. The FIR is lodged by one Murti Dadhe. He has stated that he was working as a labourer on a garbage cleaning vehicle. The Applicant was a Mukadam. The Applicant was distributing duties to labourers. The informant wanted to continue his night duty because he could earn money during the day time. It is mentioned that the Applicant was demanding Rs.3,000/- per month to keep the informant on the night duty. At the time of lodging of the complaint, the Applicant was demanding the balance amount of five months and was also demanding Rs.3,000/- per month after that date. The informant approached Anti-Corruption Bureau and lodged his complaint. The officer of the Anti-Corruption Bureau arranged to conduct a trap. Before that, verification was made. There was phone call between the informant and the Applicant. That phone call was recorded. Thereafter, the informant met the Applicant at his house with a Pancha. The Applicant repeated his demand. On 02/10/2021 a raid was arranged. At the time of conducting raid, the money which was sprinkled with Anthracene powder, was given by the informant to one Harshal on the instructions of the present

Applicant. The said amount of Rs.10,000/- was found with Harshal. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the informant has lodged his FIR because he was holding grudge against the Applicant. The Applicant had helped the informant financially and had given him loan. The informant was not in a position to repay that loan. Since the Applicant was demanding refund of his loan amount, this false case is filed against the present Applicant. He further submitted that the Applicant is on interim protection since 2021 and after such a long period on these allegations, his custodial interrogation would not be justified. Learned counsel relied on the transcript of the conversation between the informant and the Applicant.

5. Learned APP relied on the allegations in the FIR. She also produced the transcript of the conversation recorded between the Applicant and the informant, to oppose this submission.

6. I have considered these submissions. As of today, the fact that Rs.10,000/- was demanded by the Applicant and it was actually paid to one Harshal at the instance of the present Applicant, is undisputed. However, the crucial question is whether it was demanded by way of bribe or whether the Applicant was demanding his own money which he had given to the informant by way of loan. In that context, the transcript of the conversation is very important. I have perused the transcript of conversation. In that conversation, the informant has specifically told the informant that the money which he was demanding was nothing to do with the informant's transfer or change in the shift. He was demanding his money which he had given to the informant by way of loan. This fact is clearly mentioned in the conversation between the informant and the Applicant. There is a reasonable possibility that the money was not demanded and accepted as a bribe but was only the refund of the loan. The informant has not explained this in his statements. In this view of the matter, the Applicant's custodial interrogation would not be justified. The Applicant is on interim

protection since the year 2021. This is also an additional factor in his favour for grant of anticipatory bail. The Applicant will have to cooperate with the investigation.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.367/2021, dated 03/10/2021, registered with Khadak Police Station, Pune City, the Applicant is directed to be released on bail on his furnishing 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 attend the office of the investigating agency as and when called and shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)