

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1237 OF 2024

Raju Dhondiram Akrupe ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. Manoj Mohite, Senior Advocate a/w. Mr. Nilesh Nawale, for the Applicant

Mr. Prashant Jadhav, APP, for the Respondent/State.

Mr. Amol Bhujbal, PC, ACB, Thane.

CORAM : N. J. JAMADAR, J.

DATE : MAY 07, 2024

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 441 of 2024, registered at Chitalsar Manpada police station, Thane City for the offences punishable under sections 7A and 12 of the Prevention of Corruption Act, 1988.

3. The applicant is a Food Safety Officer. The applicant had conducted a raid in the premises of first informant, as it was alleged that the first informant had stored contraband articles i.e .Gutkha. After the raid, the applicant sealed the shop of the first informant. After the Court of Session ordered de-sealing of the shop premises,

the applicant had allegedly demanded a bribe of Rs. 5,000/-. The first informant alleged that Roshan Modi (accused No. 2) had demanded and accepted the bribe of Rs. 5,000/- for the applicant. Roshan Modi was apprehended while accepting the said bribe. The applicant had thus abetted the offence.

4. Mr. Mohite, the learned senior counsel for the applicant submitted that though thrice verification of the demand was conducted, at no point of time the applicant had made the demand. There is no direct evidence of any demand ever been made by the applicant. Only, on the basis of a vague telephonic conversation between the applicant and the co-accused No. 2, the applicant is sought to be roped in.

5. Mr. Jadhav, the learned APP resisted the prayer for pre arrest bail. It was submitted that the transcript of the conversation indicates that the applicant had sealed a number of shops and those shop owners were also made to pay bribe.

6. I have perused the transcript of the conversation between the applicant and the Roshan Modi. Prima facie, at this stage, the accusation that the applicant had abetted the commission of the offence of co-accused appears to be inferential. There does not seem to be any direct demand made by the applicant to the first informant.

7. In the aforesaid view of the matter, I am inclined to protect the liberty of the applicant while directing him to join in the investigation.
8. In the event of arrest in C.R. No. 441 of 2024 registered at Chitalsar Manpada police station, Thane the applicant be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
9. The applicant shall cooperate with the investigation and attend ACB, Thane on 14th 15th and 16th May, 2024 between 10 am to 1 pm and, thereafter, as and when directed till the next date.
10. The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

Stand over to 19th June, 2024.

(N. J. JAMADAR, J.)