

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1742 OF 2024

Tanhaji Sarjerao Shegar ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Tejas Hilage a/w. Mr. Prakash Sonar for Applicant.
Mr. Balraj B. Kulkarni, APP for Respondent-State.
Mr. Rupesh Eknath Jadhav, P.I., Prevention of A.C.B., Pune Division.

CORAM : MANISH PITALE, J.
DATE : JULY 03, 2024

P.C. :

1. Heard Mr. Hilage, learned counsel for the applicant and Mr. Kulkarni, learned APP for the respondent-State.

2. The applicant apprehends arrest in connection with FIR No.0238 of 2024 dated 17.05.2024 registered at Chandannagar Police Station, District - Pune, for offence under Section 7 of the Prevention of Corruption Act, 1988.

3. The applicant is working as sub-inspector at Chandannagar Police Station and allegation against him is that he had demanded bribe from the informant Apsarpasha Jiyauddin Sayed. The said person approached the office of the Anti-Corruption Bureau, which set up a trap for the applicant. It appears that the trap did not eventually materialize as the applicant suspected something when the trap was being executed.

4. The learned counsel for the applicant submits that there is nothing to indicate that the applicant was to perform any duty in the context of the informant and that he could have demanded any bribe for either doing or not doing a particular thing. On this basis, it is submitted that when there is lack of material to allege any circumstances leading to registration of the aforesaid offence against the applicant, there cannot

be any need for custody. It is submitted that the applicant is ready to co-operate with the investigation and therefore, this Court may consider allowing the present application.

5. On the other hand, the learned APP has produced the case papers for perusal of this Court. A perusal of the same shows that the informant had a specific grievance against the applicant and he approached the office of the Anti Corruption Bureau, which made preparations for executing trap against the applicant. The *panchanama* dated 10.05.2024 shows that at the time of execution of the trap, the voice recorder being used was sought to be concealed by the applicant himself and that the team of the Anti Corruption Bureau had to make efforts to ensure that the voice recorder was not destroyed by the applicant.

6. In the present case, the trap did not reach its ultimate conclusion, as it appears that the applicant suspected that such a trap was being laid. Nonetheless, the *panchanama* indicates the immediate reaction of the applicant when he suspected that such a trap was being laid. There was no reason for him to take such steps in respect of the voice recorder. Even though the amount of alleged bribe may not have been actually paid to the applicant, the question is whether the applicant did make such a demand and this aspect certainly requires investigation.

7. The applicant is a police officer against whom the informant was constrained to approach the Anti Corruption Bureau, which led to laying of the said trap. In the facts of the present case, this Court is convinced that the applicant cannot be given protection and that the investigating officer must have the liberty to take such steps as are necessary for proper investigation into the matter.

8. The application is dismissed.

(MANISH PITALE, J.)