

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

ANTICIPATORY BAIL APPLICATION NO.1846 OF 2024

Mrs Aarti Shirish Kambli

Age – 55 years Occ-Service

R/a: 11, Laxmi Niwas, Anant Waman

Vartak Road, Near Parle College

Vileparle (E) Mumbai-400057

... Applicant

v/s.

The State of Maharashtra

C.R. No.482/2024 Investigating

by ACB, Palghar Unit)

... Respondent

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Ms Pushpa Ganediwala, a/w. Ms Arwa Lunawadawala and Mr Ankit Rathod, i/b. Chaitanya Purankar, for the Applicant.

Mr NB Patil, APP, for Respondent State.

Mr Dayanand Gawade, Dy.S.P., ACB, Palghar, present.

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Coram : R.N. Laddha, J.

Date : 12 July 2024

P.C. :

Heard Ms Pushpa Ganediwala, the learned Counsel appearing on behalf of the Applicant and Mr NB Patil, the learned Additional Public Prosecutor, representing the Respondent/State.

2. This application is preferred seeking pre-arrest bail in connection with CR No.482 of 2024 registered at Tulinj Police Station, for the

offences punishable under Sections 7 and 7(a) of the Prevention of Corruption Act, 1988.

3. The applicant, who serves as a Drug Inspector, visited the medical shop known as Generic Mart in Nallasopara East on 14.06.2024. The complainant, who runs the shop, was found to be in violation of the rules outlined in the Drugs and Cosmetics Act, 1940. Consequently, the Assistant Commissioner, Drugs Zone-1 issued a note ordering the closure of the medical shop until further notice. Allegedly, during a visit to the applicant's office, the complainant was asked for a bribe of Rs.1,00,000/- by the applicant. The complainant, unwill to pay the bribe, filed the written complaint with the Anti-Corruption Bureau. Subsequently, a trap was set leading to the apprehension of the co-accused, Krishnakumar Tiwari while accepting the bribe.

4. Ms Pushpa Ganediwala, the learned Counsel for the applicant argued that there is no direct evidence of any demand ever been made by the applicant. The case against the applicant relies solely on a vague telephonic conversation between the applicant, the co-accused and the complainant.

5. Mr Nitin Patil, the learned APP, resisted the prayer for pre-arrest bail. He contends that the conversation transcript reveals that, at the applicant's behest, the co-accused solicited and accepted a bribe.

6. Upon reviewing the records, it appears that the allegations against the applicant, a Drug Inspector, involve instructions given to a co-accused who allegedly demanded a bribe from the complainant. The material pressed into service against the applicant includes a transcript of a conversation in which the co-accused made the demand. However, this transcript, seems to be inferential, and there is no direct demand made by the applicant to the complainant. The offence carries a potential punishment of up to seven years of imprisonment. The submission on behalf of the prosecution that voice samples of the applicant are to be collected may not necessarily justify the arrest and custodial interrogation of the applicant. The applicant is willing to provide a voice sample to the investigating officer as needed and surrender his mobile phone. Evidently, the applicant does not pose a flight risk.

7. In the aforesaid view of the matter, I am inclined to protect the liberty of the applicant while directing her to join and cooperate with the investigation. Hence, the following order.

(i) In the event of applicant's arrest in CR No.482 of 2024 registered at Tulinj Police Station, she be released on bail on executing PR Bond of Rs.25,000/- with one or more sureties in the like amount.

(ii) The applicant shall cooperate with the

investigation and attend the concerned police station as and when required.

(iii) The applicant shall not, herself or through any other person, indulge in any activity that would tamper with the evidence or influence the witnesses.

8. The application stands disposed of accordingly.

[R.N. Laddha, J.]