

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

**INTERIM APPLICATION NO.1237 OF 2024
IN
CRIMINAL APPEAL NO.1097 OF 2023**

Suryakant Hari Sangale

.....Applicant

Versus

The Central Bureau of Investigation
Anti Corruption Bureau, Pune
and another

.... Respondents

Mr. Zaid Anwar Qureshi, Advocate for the Applicant.

Mr. Amit Munde, Special PP. a/w. Parikshit Pawar for the
Respondent No.1-CBI-ACB.

Mr. S.H. Yadav, APP for the Respondent No.2-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 20th SEPTEMBER, 2024

P.C. :

1. This is an Application in the Appeal with prayers to issue certain directions to the Respondent CBI for return of certain documents and for defreezing the accounts, as mentioned in prayer clauses (b) & (c).

2. Heard Mr. Zaid Anwar Qureshi, learned counsel for the Applicant, Mr. Amit Munde, learned Special PP. for

the Respondent No.1-CBI-ACB and Mr. S.H. Yadav, learned APP for the Respondent No.2-State.

3. The brief background of the case is that the Applicant was working as the Civilian Gazetted Officer (Admin) at 2 Wing, Air Force, Lohegaon, Pune. The complainant Tejas Raosaheb Badhe had applied for mutual posting. The case of the prosecution is that the Applicant demanded Rs.50,000/- for forwarding the complainant's Application and to get his work done. He had demanded Rs.25,000/- in advance and Rs.25,000/- after the work was done. The complainant approached ACB, Pune. On 15.11.2021, a trap was laid and the Applicant was apprehended accepting Rs.4,000/-. The defence of the Applicant during the trial was that the complainant was repaying the handloan and the complaint was filed at the behest of someone else. The investigation was carried out by CBI and certain documents were seized during the residential search of the premises of the Applicant at Vishrantwadi, Pune. During that search, various documents

were seized. The Applicant and his family members' bank accounts were freezed. At the conclusion of the investigation, the Applicant faced the trial and the learned trial Judge convicted him for commission of the offence punishable under Section 7 of the Prevention of Corruption Act, 1988. He was sentenced to suffer R.I. for three years and to pay fine of Rs.50,000/- and in default of payment of fine to suffer SI for three months.

4. The Applicant challenged the trial Court's judgment and order dated 31.8.2023 in Special (ACB) Case No.1011/2021 before this Court vide Criminal Appeal No.1097/2023. The Appeal was admitted and the Applicant was granted bail.

5. The grievance of the Applicant is that while deciding the trial, the learned trial Judge has not issued any directions for disposal of the property and in respect of the bank accounts and, therefore, this Application is filed before this Court for return of the property and for de-freezing the bank accounts mentioned in the prayer clauses.

6. The Respondent – CBI filed their affidavit-in-reply. It is mentioned in the reply that the scrutiny of documents with reference to disproportionate of assets has been conducted by the CBI and no case of disproportionate of assets is made out. In paragraph-5 of the affidavit-in-reply it is specifically mentioned that the requisite documents / articles as well as the bank accounts, mentioned by the Applicant, are of no use to the Respondent -CBI ACB, Pune. It is further categorically averred that the same may be permitted to be released to the Applicant.

7. Both learned counsel jointly make a statement that none of the documents or the bank accounts were exhibited or tendered in evidence during the trial. The documents are lying in the custody of the CBI and the bank accounts mentioned in the prayer clauses are freezed.

8. Since the Respondent – CBI has no objection for allowing this Application, the Application can be allowed on certain terms. Hence, the following order:

ORDER

(i) The Application is allowed in terms of prayer clauses

(b) & (c), which read thus :

“(b) to issue order/direction to the CBI or custodian of the same to release the documents and articles i.e. a) Aadhar Cards, b) Light Bills, c) Tax Invoices of Gold Purchase, d) Shop Act Registration, e) Copy of Complaint by R.D. Gangurde, f) sale Deed between Smt. Ratan Sangale and Lunkad Infrastructure, g) Construction Agreement, h) Sale Agreement of Flat No.2, i) Cash of Rs.1,25,600/-, j) Nokia 6.1 Mobile Handset with one Sim No. 7507291501 to the applicant.

c) to issue order/direction to the CBI to defreeze the bank accounts i.e. Saving Bank Account No.11099844722 with State Bank of India of Applicant and Saving Bank Account No.31946693759 with State Bank of India of applicant's daughter-in-law namely Meenakshi Amit Sangale (name before marriage Meenakshi Mondanlal Ahire. Also original 9 passbooks of Account No.0220101024376 of Canara Bank, Lohgaon Air Force Station Branch, Pune in the name of applicant, Original Passbook of Account No.53702 of Canara Bank, Lohgaon Air Force Station Branch, Pune in the name of applicant's wife Smt. Ratan Sangale, Original passbook of Account No.24376 of Canara Bank, Lohgaon Air Force Station Branch, Pune in the name of applicant, Original Passbook of Account No.0220101053702 of Canara Bank, Lohgaon Air Force Station Branch, Pune in the name of applicant's wife Smt. Ratan Sangale, Original

Passbook of Account No.11099844722 of State Bank of India, BRD Campus Branch, Pune in the name of Applicant.”

- (ii) Before return of these documents, the Applicant and the CBI shall make photo-copies of these documents which would be signed by the Applicant and the concerned Officer of the CBI as ‘true copies of the original documents’. Such copies would be made in duplicate and one set would be retained by the CBI and the other set with certification of ‘true copy’ would be retained by the Applicant.
- (iii) The Applicant shall make available these original documents in future, if required, in any judicial proceedings concerning the present subject matter.
- (iv) Interim Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
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