

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

**INTERIM APPLICATION NO.2672 OF 2024
IN
CRIMINAL APPEAL NO.704 OF 2024**

Kailas Bhikaji Shelke Applicant

versus

State of Maharashtra Respondent

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- Ms. Meera Barge, Advocate for Applicant.
- Mr. Shrikant H. Yadav, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 11th JULY, 2024**

P.C. :

1. This is an application for bail pending final disposal of the Appeal preferred by the Applicant. The Applicant was convicted and sentenced by the Special Judge, Nashik vide his Judgment and Order dated 19/06/2024, passed in Special (ACB) Case No.18 of 2016, u/s 7(a) of the Prevention of Corruption Act, 1988 ('PC Act') and u/s 13(1)(a)(d) r/w 13(2) of the PC Act. The major sentence imposed on him was rigorous imprisonment for four years besides imposition of fine.

2. Heard Ms. Meera Barge, learned counsel for the Applicant and Mr. Shrikant H. Yadav, learned APP for the State.
3. The prosecution case is that the Applicant was working with MHADA as a Clerk. The complainant Ashok wanted to get the shop No.684 transferred in his name, which had stood in his father's name. For that, the Applicant demanded bribe of Rs.3,000/-. According to the prosecution case, the complainant made his complaint to the ACB. A trap was laid on 22/03/2016 and the Applicant was caught accepting three currency notes of Rs.1,000/- each.
4. Learned counsel for the Applicant submitted that the Applicant has a good case on merits. The trap is not properly proved. According to the complainant, he first gave signal to the Pancha Sanap, who then gave signal to the other Pancha Shimpi, who in turn gave signal to the ACB Officer. However, the Pancha Sanap has stated that the complainant himself gave signal to the

ACB. This is an important sequence, because according to the defence, the bribe was not accepted by the Applicant. The currency notes were found in the drawer. The traces of Anthracene powder were not seen in the drawer. Therefore, the entire trap is doubtful. She further submitted that the sentence imposed is for four years. The Appeal is not likely to be decided during that period. She further submitted that the Applicant was on bail during trial and he has not misused that liberty.

5. Learned APP opposed these submissions and relied on the evidence of the complainant.

6. I have considered these submissions. Some arguable points are raised by the learned counsel for the Applicant. The sentence imposed on the Applicant is short. The Applicant was on bail during trial. There are no allegations that he had misused that liberty.

7. In this view of the matter, the Applicant can be granted bail pending the Appeal.
8. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.704 of 2024, the Applicant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only), with one or two sureties in the like amount.
- (ii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)