

2. Heard Mr. Saurabh K. Raut, learned counsel for the Applicant and Mr. Swapnil V. Walve, learned APP for the State.
3. The prosecution case is that the complainant Ahuja's mother-in-law had executed a Will in respect of the residential house at Ulhasnagar in the name of her daughter i.e. the complainant's wife. The complainant had approached the office of Talathi, Upnagar. The Applicant was working as a Helper in that Talathi office. In those proceedings, one Purushottam Rohira filed his objection against recording the complainant's wife's name in respect of that property. It is the prosecution case that, in this connection to get a favourable order from the Circle Officer, the Applicant demanded Rs.25,000/-. The demand made by the Applicant was verified and the trap was laid on 07/06/2013 in which the Applicant was caught accepting Rs.20,000/-.
4. The learned counsel for the Applicant submitted that the ingredients of section 8 of the Prevention of Corruption Act,

1988 are not proved by the prosecution. The necessary intention mentioned u/s 8(1)(i)(ii) of the Prevention of Corruption Act, 1988, is not proved by the prosecution. He submitted that the complainant had refused to give his voice sample for test analysis as far as demand is concerned. He further submitted that the Applicant was on bail during trial for more than 10 years. He has not misused that liberty. Even after his conviction he was granted bail u/s 389 of Cr.P.C. The Appeal is not likely to be decided within a short span of two years and therefore the Applicant deserves to be granted bail pending his Appeal.

5. Learned APP opposed these submissions on the merits of the matter. He submitted that the offence is proved. The trap was successful. However, he could not oppose the submissions that the sentence is short.

6. Considering this situation and since the Appeal is not likely to be decided within a reasonably short period and since the Applicant was on bail during trial and he has not misused

that liberty, I am inclined to grant bail to the Applicant pending his Appeal.

7. Hence, the following order :

ORDER

- (i) During the pendency and final disposal of the Criminal Appeal No.1021 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.)