



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (BA) NO. 501 OF 2024

Kisan S/o. Kachru Bhadane

Vs.

State of Maharashtra, through Inspector of Police, Anti-Corruption Bureau, Gondia

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Anil Mardikar, Senior Advocate a/b. Mr. D.P. Singh, Advocate for the Applicant.

Ms. M.R. Kavimandan, APP for Respondent No.1.

CORAM : G. A. SANAP, J.

DATED : 4th JUNE, 2024.

1. This is an application under Section 439 of the Code of Criminal Procedure, 1973, for bail by the applicant/accused in Crime No.206/2024, registered with the Police Station, Goregaon, for the offences punishable under Sections 7, 12 and 13(1)(A) of the Prevention of Corruption Act, 1988 (for short, 'the PC Act') and under Section 467 of the Indian Penal Code, 1860.

2. The sum and substance of the case of the prosecution is that, on the date of the offence, the applicant/accused No.1 was working as a Tahsildar at Goregaon. The vehicles, namely two tippers carrying sand, were seized. It is stated that, for the release of the tippers, the applicant/accused No.1 demanded a bribe of Rs.1,00,000/-. The informant reported the matter to the police. On the basis of the report, the crime was registered and the trap was laid. It is stated that, however, the trap could not be successful. It is the case of the prosecution that the facts stated in the FIR disclosed

the commission of the offences under Sections 7, 12 and 13(1) (A) of the PC Act against the accused.

3. Learned Senior Advocate Mr. Anil Mardikar submitted that the detention of the accused is not necessary for the purpose of the investigation. Learned Senior Advocate submitted that bail was rejected by the learned Special Judge on the basis of the previous crime registered against the accused under the PC Act. Learned Senior Advocate submitted that the police have submitted the closure report in that crime. Learned Senior Advocate would submit that the applicant/accused is ready to co-operate with the police in the further investigation as well as ready to abide by the conditions that may be imposed by the Court.

4. Learned APP would submit that, considering the serious nature of the crime, though the trap was unsuccessful, the possibility of the commission of similar crime by the applicant/accused cannot be ruled out. Learned APP would submit that the learned Special Judge was right in rejecting the bail application in the backdrop of the criminal antecedents of the applicant/accused.

5. It is undisputed that the trap was unsuccessful. The investigation is in progress. The applicant/accused was arrested on 8th May, 2024. He has been remanded to judicial custody. The FIR has been registered on the basis of the report of the informant. It is not the case of the prosecution that further detention is necessary, either for the recovery of the money involved in this crime or otherwise. In my view, considering the

fact that the trap was unsuccessful and the applicant/accused has been remanded to judicial custody, no purpose would be served by keeping the applicant/accused in jail. The applicant/accused is a Tahsildar. In my view, subject to appropriate conditions, he can be released on bail. Hence, the following order is passed.

- i) Criminal application is **allowed**.
- ii) Applicant - Kisan s/o. Kachru Bhadane be released on bail in Crime No.206/2024, registered with Police Station Gondia for the offences punishable under Sections 7, 12 and 13(1)(A) of the PC Act and under Section 467 of the Indian Penal Code, 1860, on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand Only) with one surety in the like amount.
- iii) The applicant shall attend the Anti-Corruption Bureau, Gondia on every Saturday between 12 a.m. and 2 p.m.
- iv) The applicant shall not in any manner tamper with the prosecution evidence.
- v) The applicant shall not pressurize or threaten the prosecution witnesses.
- vi) The application stands disposed of accordingly.

(G. A. SANAP, J.)

Vijay