



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1 OF 2025

Prakash Vithal Tak .. Applicant

Versus

The State of Maharashtra & Anr. .. Respondents

Mr. Shailendra S. Gangakhedkar h/f. Mr. Mahesh S. Deshmukh,
Advocate for the Applicant.

Mr. S. K. Shirse, APP for Respondent Nos.1 and 2.

CORAM : ARUN R. PEDNEKER, J.

DATE : 04.02.2025

PC.:-

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is apprehending arrest in connection with FIR No.0789 dated 18.12.2024, registered at Gangakhed Police Station, District Parbhani, for the offences punishable under section 7 of the Prevention of Corruption Act, 1988.

3] This Court by order dated 08.01.2025, granted interim protection to the applicant by considering the submissions and reasons are given at paragraph nos.3, 4, 5 and 6, which is as under:-

“3] It is the case of the prosecution that the the applicant has demanded bribe of Rs. 10,000/- to the informant for registering sale deed and on being asked by the informant to reduce the amount, applicant has reduced the amount to Rs.4,000/-. The applicant has not demanded the amount orally, but has shown the figure of amount on the calculator. The trap was accordingly

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arranged. However it is stated in the complaint that on the date of trap the applicant was not available in the office and money paid by the informant was not accepted by the applicant.

4] The learned counsel for the applicant submits that the applicant was in charge of the post of Sub Registrar from 3rd December 2024 to 5th December 2024 and the applicant was on that post for only three days. The learned counsel submits that there is no oral demand made by the applicant. The learned counsel further submits that in view of the allegations made against the applicant, custodial interrogation of the applicant is not necessary in the matter as the applicant has not accepted any bribe. The learned counsel relying upon the orders of this Court dated 13th March 2019, in ABA No. 255 of 2019 (Purushottam s/o. Lotan Deore vs. State of Maharashtra) and dated 23rd September 2024 in ABA No. 1035 of 2024, (Pandurang Baburaon Veer vs. The State of Maharashtra and another) submits that if required, the applicant will attend the concerned police station and co-operate with the investigation. He submits that the case is concocted and false one. The learned counsel therefore, prays for granting interim relief.

5] Per contra, the learned APP strongly opposed the application and relying upon para 22 of the judgment of the Supreme Court in the case of Central Bureau of Investigation vs. Santosh Karnani, reported in AIR 2023 SC (CRI) 884 prays for rejection of the application.

6] Considering the above, prime facie at this stage, it appears that there is some doubt as regards whether the demand was initiated at the instance of the applicant or whether the offer was made by the complainant. So also, the applicant has not accepted the bribe amount and the trap was laid belatedly. The voice sample of the applicant can also be taken while he attends the police station for interrogation. In view of the same, interim protection is granted to the applicant on the following terms and conditions :-

A] Till the next date, in the event the applicant is arrested in connection with Crime No. 789 of 2024, dated 18.12.2024, registered with Gangakhed Police Station, District Parbhani, for the offences punishable under sections 7 of Prevention of Corruption Act, 1988, he shall be released on bail on furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount.

B] The applicant shall remain present before the investigating officer from 13.01.2025 to 15.01.2025 between 10.30 a.m. and 1.00 p.m. and thereafter as and when required by the investigating officer.

C] The applicant shall co-operate with the investigation, including producing all documents in his possession, as may be demanded by the investigating officer.

D] The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.”

4] The learned counsel for the applicant submits that in pursuance of the order dated 08.01.2025, the applicant has attended the concerned police station.

5] The learned APP submits that considering the factual matters of the case, it is not a fit case to grant anticipatory bail to the applicant hence, the same may be rejected.

6] Considering the reasons as stated already at paragraph 6, that there is some doubt as regards whether the demand was initiated at the instance of the applicant or whether the offer was made by the complainant. So also, the applicant has not accepted the bribe amount and the trap was laid belatedly. In view of the above, the interim protection granted earlier needs to be confirmed.

7] In view of the above, the application is allowed and interim protection granted by this Court on 08.01.2025 is confirmed on the following terms :

- i] The applicant shall attend the police station once a fortnight for a period for four months from today.

ii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

8] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

9] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10] The application stands disposed of.

(ARUN R. PEDNEKER)
JUDGE