



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 ANTICIPATORY BAIL APPLICATION NO. 879 OF 2024

SAGAR PANDURANG NALAWADE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Rahul R. Karpe

APP for Respondent/State: Mr. A. A. A. Khan

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CORAM : ARUN R. PEDNEKER, J.

DATE : 07th JANUARY, 2025

PER COURT:

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

2. The applicant is apprehending arrest in connection with Crime No.0318/2024, dated 30.04.2024, registered at Karjat Police Station, District Ahmednagar, for the offence punishable under Section 7-A of the Prevention of Corruption Act, 1988.

3. This court by order dated 28.05.2024 has granted interim protection to the applicant. It is stated that after the order of granting interim protection, the applicant has given the voice sample and co-operated with the investigation.

4. The case against the applicant is that he asked bribe of Rs.7,000/- from the complainant on behalf of the Talathi. However, it is pointed out from the FIR that the Talathi himself has not asked for

the bribe. However, on 28.02.2024, the applicant had asked for bribe but thereafter the applicant has refused to take the money and the money was not accepted by the applicant. It is stated by the applicant that the FIR is registered on 30.04.2024 i.e. after the period of two months from the alleged date of incident, more so, he submits that the applicant is not a public servant, as such, the offence under Section 7-A of the Prevention of Corruption Act, 1988 is registered against the applicant by the delayed period of two months.

5. The learned APP points out that before the sessions court an affidavit was filed by the complainant that the applicant is not involved in the matter and there was some misunderstanding with the applicant. As such, prima facie, there seems some influence by the applicant on the complainant.

6. Contra to this, the learned counsel for the applicant submits that, prima facie, there is no offence and after interim order the applicant need not pressurize the complainant. The complainant himself had realized his own errors and has filed the affidavit and he has no concern with the same.

7. Be that as it may, prima facie, on the merits of the matter, this court has granted interim protection on 28.05.2024 and, thereafter, the applicant has co-operated with the investigation. Considering that the applicant is a third person, who has not accepted the money, so also, there is no clarity as regards the demand and for what purpose the demand was made; for what work of the complainant is also not clear. The applicant has also categorically not

accepted the bribe. As such, there is doubt, whether the applicant has demanded any amount from the complainant to do his work.

8. Considering that the interim protection is granted and the investigation is nearing completion, the interim protection granted by order dated 28.05.2024 stands confirmed, on the following terms:

i] The applicant shall attend the police station as and when required by the Investigating Officer.

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.

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

10. 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.

11. The application stands disposed of.

[ARUN R. PEDNEKER, J.]