



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1001 of 2025

Ayyub S/o. Hiraji Shaikh,
Age: 38 years, Occu. : Service
as Police Sub-Inspector,
R/o. Asara Nagar, Dist. Nanded.

... Applicant
(Orig. Accused No.1)

Versus

The State of Maharashtra,
Through In-charge Police Inspector,
Who is holding the charge of
present Crime No. 180 of 2025,
ACB Case Itwara Police Station, Nanded,
Tq. & Dist. Nanded.

... Respondent

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Mr. Sujeet Karlekar, Advocate for Applicant h/f. Mr. P. M. Nagargoje,
Advocate for Applicant.
Mr. S.M. Ganachari, APP for Respondent – State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 19 AUGUST 2025

PRONOUNCED ON : 21 AUGUST 2025

ORDER :

1. Present applicant is apprehending arrest in Crime No.180 of 2025 registered with Itwara Police Station, District Nanded for offence punishable under sections 7 and 7A of Prevention of Corruption Act and section 62 and 62(2) of Bharatiya Nyaya Sanhita.

2. Learned counsel pointed out that, applicant is a police

officer. That, there is false implication alleging demand of bribe for permitting transportation of cattle. That, here, aspect of very demand is missing from the report. Learned counsel took this court through the FIR and would submit that complainant himself is a court bird and is habitual in lodging reports. To avoid action against transportation, there is possibility of false implication.

He further submitted that, though pre-trap panchanama was allegedly drawn, the very main trap had allegedly failed as there was no demand at all. That, there was alleged mere conversation on telephone and no personal interaction. Even, there are allegations of making mere gestures, but no concrete sense could be made out of it. He further added that, at the first instance, gestures were at the instance of complainant himself and not by present applicant. He pointed out that, contents of the FIR itself show that complainant was keen in offering bribe with ulterior motive of trap and to involve present applicant. That, along with present applicant, another private person is also named. That, considering the nature of allegations and transcript of telephonic conversation being available, applicant is ready to offer himself to the police and further ready to give his own voice sample. Therefore, custody of applicant is not required. Learned counsel undertakes that applicant would co-operate with the investigation and make himself available as and when required.

3. Learned APP, while opposing the Bail Application would submit that, applicant is a police officer. He has not denied his presence at the time of first meeting with the complainant when demand was allegedly raised. That, he was expected to offer explanation by making himself available for investigation. He remained absconding and therefore there are reasons to hold him to be involved. For effective investigation, learned APP seeks rejection of application.

4. Heard and perused the FIR. Report is by one Abdul Sohail Abdul Mujib, who seems to be a driver and involved in selling live stock in cattle bazar. He reported that, since few days, present applicant was intercepting his transporting activity and demanding money and therefore, he approached ACB authorities and said authorities planned, raid after arranging pancha and giving necessary instructions. He has reported that, prior to pre-trap panchanama, there was telephonic conversation on whats app call. Report shows that, on 26.05.2025 calls were made, but apparently there was no response from the applicant. Even there was no contact established on 27.05.2025 and 28.05.2025 with applicant as well as co-accused Raju Bhise. Complainant himself seems to have categorically stated that, on 28.05.2025, both, present applicant and Patil remained disconnected by switching off their phones.

5. Thus, what is emerging is that, calls were made by complainant himself and he himself seems to have offered bribe that too by having telephonic conversation. Accused had not on his own raised demand. On the contrary, complaint itself shows that both, on 26.05.2025 as well as 28.05.2025 traps had failed. However, still report seems to have been lodged two days thereafter i.e. 30.05.2025 levelling above allegations. Thus the *sine qua non* of very demand is doubtful. Further investigation for collection of voice sample to match it with transcript can be carried out by securing presence of the applicant as learned counsel undertook to see that applicant co-operates with the investigating machinery. For above reasons, relief as prayed deserves to be granted. Hence, the following order is passed :

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicant - Ayyub S/o. Hiraji Shaikh in connection with Crime No.180 of 2025 registered with Itwara Police Station, District Nanded for offence punishable under sections 7 and 7A of Prevention of Corruption Act and sections 62 and 62(2) of Bharatiya Nyaya Sanhita, he shall be released on executing P.B. and S.B. of Rs.20,000/- with one surety in the like amount.

- (iii) The applicant shall attend the concerned police station twice in every week i.e. on every Tuesday and Thursday between 10:00 a.m. to 12:00 noon, till filing of charge sheet.
- (iv) Applicant shall co-operate in the investigation.
- (v) The applicant shall not tamper the prosecution evidence.

(ABHAY S. WAGHWASE, J.)