



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1280 OF 2025

Laxmikant S/o. Vitthalrao Gaware

... Applicant

Versus

1. The State of Maharashtra

2. The Superintendent of Police, Nanded

... Respondents.

.....

Mr. S. S. Rathi, Advocate for Applicant.

Mrs. M. L. Sangit, APP for Respondents - State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 20 AUGUST 2025

PRONOUNCED ON : 22 AUGUST 2025

ORDER :

1. This is a pre-arrest bail application, apprehending arrest in Crime No. 0356 of 2025 registered at Bhagyanagar Police Station, District Nanded for offence punishable under section 7A of the Prevention of Corruption Act.

2. Learned counsel pointed out that, applicant is a labour officer in MSRTC. He was assigned departmental inquiry of present informant for violation of service conditions. That, after conducting inquiry, report was tendered to higher authority. It is alleged that, meanwhile, informant approached applicant to show leniency in the punishment. It is alleged that, to do so on behalf of higher authority

present applicant demanded Rs.7,000/-. Complaint is lodged. That, there was demand with ACB authorities, however, learned counsel emphasized that no action was initiated by ACB authorities as twice - thrice attempt to pay bribe has failed. Thus, according to learned counsel, there is false implication. That, except transcript of alleged telephonic conversation, there is nothing to be recovered or discovered. That, applicant being in service as an officer of MSRTC, apprehends arrest for registration of crime with police. He undertakes to co-operate with the investigating machinery and for above reasons, he urges to extend benefit of anticipatory bail.

3. Learned APP strongly opposed by pointing out that, demand is cogently proved. That, complainant while in the company of independent panch, had acted on instructions of ACB authorities and they had recorded conversation of demand. Its transcript is already drawn. Thus, according to her, thorough investigation is necessary and for the same, she prayed to reject the application.

4. Heard. Perused the papers. One Ganesh Digamber Kalse seems to have approached police, reporting that, for conducting breach of service conditions, department inquiry was initiated against him, which was assigned to present applicant, who was working as Labour Officer. He reported that, he approached applicant

with a request to reduce the sentence, for which it is alleged that there was demand of Rs.7,000/-. Fearing action complainant agreed. He reported that, by order dated 16.04.2025 as expected by him Higher Authorities imposed a fine of Rs.500/-. He further claims that on 30.04.2025, present applicant called him and stated that whatever he desired as happened and to pay Rs.7,000/-. Therefore, informant approached ACB authorities, lodged report and trap was planned by ACB authorities and he was given voice recorder to record demand for pre-trap verification. He reported that, accordingly he and panch visited applicant's office and conversation was recorded. He further reported that, on 14.05.2025 and 15.05.2025, there was no demand. However, on 02.06.2025, when complainant and panch approached applicant, he allegedly told that he told in two to three days, and therefore, both, complainant and panch returned back. On 17.06.2025, applicant was not present in the office, however, during telephonic talk contact was developed, but applicant told that he is outside and would talk later and disconnected the call. According to informant, on 23.06.2025, when complainant and panch approached applicant, he suggested forgetting the subject. Therefore, report was lodged only for raising demand.

5. Thus, what is discerned from above FIR is that, informant

himself had approached applicant with a request to show leniency in the punishment to be inflicted in the departmental inquiry, in which he was held guilty. It is further appearing that, there are several visits in between, but on 14.05.2025 and 15.05.2025, complainant himself states that there was no demand. On 02.06.2025, without any demand, applicant had left the office saying that he would talk later. During conversation on phone on 17.06.2025, applicant again said that he is outside and thereafter switched off the phone. Finally it appears that on 23.06.2025, when complainant and panch approached applicant, applicant allegedly suggested to forget the topic. Consequently, there is no acceptance also.

6. Thus, *prima facie* there is no demand. Even otherwise whatever conversation containing demand is already with the complainant and investigating machinery. Considering the nature of allegations, beyond transcript of voice recording, no recovery is to be made as there is no acceptance.

7. Considering the above, when applicant, who is a Labour Officer and he being ready to co-operate with the investigation, which would serve the purpose of investigating machinery, 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 - Laxmikant S/o. Vitthalrao Gaware in connection with Crime No. 0356 of 2025 registered at Bhagyanagar Police Station, Nanded for offence punishable under sections 7A of the Prevention of Corruption Act, 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 as and when called by the Investigating Officer and shall co-operate in the investigation.
- (iv) Applicants shall not contact and/or influence the witness/es and/or tamper with the evidence in any manner whatsoever.

(ABHAY S. WAGHWASE, J.)