



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

33 ANTICIPATORY BAIL APPLICATION NO. 1819 OF 2024

Gautam Baluprasad Misar

VERSUS

The Superintendent Of Police And Another

Advocate for Applicant : Mr. B. R. Warma h/f Mr. Tiwari Suraj P.
APP for Respondents-State: Ms. N. B. Kamble

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CORAM : ARUN R. PEDNEKER, J.

Dated : February 17, 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 FIR No.0297/2024, dated 26/09/2024, registered at Parola Police Station, District Jalgaon, for the offences punishable under sections 7-A of Prevention of Corruption Act, 1988.
3. This Court, by order dated 18/11/2024, granted interim protection to the applicant, considering the submissions noted in paragraph No.3, which reads as under : -

"3] In the instant case, the FIR is registered under Section 7-A of the Prevention of Corruption Act, 1988. It appears from the FIR that the applicant demanded Rs.10,000/- as bribe for creating trouble in the service of the complainant. However, when the bribe was presented during the trap the same was refused by the applicant with instruction to pay the bribe amount to the other person. However, the bribe amount was also not paid to the person as instructed by the applicant. Thus, prima facie, there is no acceptance of bribe

by the applicant or by any of the person on his behalf.”

4. Today, the learned Counsel for the applicant submits that he has filed a compliance affidavit on record and further states that the applicant's voice samples were taken by the Investigating Officer on 17/12/2024. This fact is not disputed by the learned APP.

5. The learned APP submits that bribe was presented to the applicant on his demand and that there is evidence to that effect. However, it is pointed out that, as noted in the order dated 18/11/2024, when the bribe was presented, the applicant directed the informant to pay the amount to another person, and that person also did not accept the bribe.

6. The learned Counsel for the applicant submits that from a perusal of the FIR, it appears that there was no intention on the part of the applicant to accept the bribe from anyone.

7. Considering the rival submissions, the interim protection granted by order dated 18/11/2024 stands confirmed. In view of the above, the application is allowed in the following terms : -

i] In the event the applicant is arrested in connection with FIR No.0297/2024, dated 26/09/2024, registered at Parola Police Station, District Jalgaon, for the offences punishable under sections 7-A of Prevention of Corruption Act, 1988, he shall be

released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the police station as and when called by the police.

iii] 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.

iv] 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, J.)

vj gawade/-.