



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 ANTICIPATORY BAIL APPLICATION NO. 2004 OF 2024

YOGESH SAHEBRAO PATIL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant :

Mr. Bharatkumar Ramdeo Warma

APP for Respondent/State: Mr. G. O. Wattamwar

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 06.02.2025

P.C. :

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.327/2024, dated 23.10.2024, registered at Parola Police Station, District Jalgaon, for the offences punishable under Sections 7, 7A, 12 of the Prevention of Corruption Act.

3] This court by order dated 02.12.2024 granted interim protection to the applicant.

4] Mr. Bharatkumar Ramdeo Warma, learned counsel for the applicant submits that thereafter the

applicant has attended the concerned police station and cooperated with the investigation. The learned counsel for the applicant submits that all the other co-accused have been arrested and immediately on the same day have been granted regular bail.

5] The learned APP produces the transcript in which he submits that there is also recording of the applicant as regards the demand is concerned. The perusal of the same would indicate that the applicant has used the words “१% प्रमाण” on two occasions, on the basis of which the allegations against the applicant is that he has encouraged the complainant to give the bribe to his superior at the rate of 1%.

6] Considering the submissions of the learned counsel for the applicant and the learned APP, prima facie, the applicant used the words regarding the demand but not taken any amount towards the bribe paid to the senior officer. His statement is qualified as encouragement. Whether the same qualifies under Section 12 as abetment, it is something that will have to be established in the course of trial. All other co-accused already granted regular bail on the same day.

7] The learned counsel for the applicant has

submitted that the applicant in pursuance of the interim order passed dated 02.12.2024 has attended the concerned police station and cooperated with the investigation, so also, considering the role of the applicant and also considering the fact that all other co-accused, who are similarly placed have been granted regular bail on the very same day and the investigation qua the applicant has proceeded in view of the interim order of this court, no further custodial interrogation would be necessary.

8] In view of the above, the interim protection granted by order dated 02.12.2024 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]
JUDGE

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