



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2228 OF 2025

Santosh Mahadeo Khandekar

VERSUS

The State Of Maharashtra

...

WITH

CRIMINAL APPLICATION NO. 4475 OF 2025

Shrikant Bhanudas Ghule

VERSUS

The State Of Maharashtra and Another

...

- Mr. Manoj Mohite and Mr. V. D. Sapkal, Senior Counsel i/by Mr Amit A. Yadkikar, Advocate a/w. Mr. Meghashyam Kocharikar, Mr. Akshay Kulkarni, Ms. Chaitali Sheth and Mr. Vedant Deshmukh, Advocates for Applicant
- Mr. S. G. Sangle, APP for Respondent - State
- Dr. A. B. Ghule Patil, Advocate for Original Complainant / Applicant in Cri. Appln. No. 4475 of 2025

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CORAM : MEHROZ K. PATHAN, J.

DATED : 25.11.2025

PER COURT :

1. Heard Mr. Mohite learned senior counsel for the applicant, learned APP for the State and Mr. Ghule Patil for the original complainant.
2. The applicant has approached this Court seeking regular bail in connection with FIR bearing Crime No. 0440 of 2025, dated

17.10.2025, registered with Kadim Police Station, District – Jalna for the offences punishable under Section 7 of the Prevention of Corruption Act, 1988.

3. The prosecution case, in brief, is that the Applicant was serving as the Commissioner, Jalna Municipal Corporation, at the relevant time. It is alleged that, in the course of his official duties, he demanded an amount of Rs. 20,00,000/- from the complainant for clearing a pending running account bill of Rs. 90,00,000/- pertaining to civil works executed under various Work Orders issued by the Municipal Corporation.

4. The complainant is a Government contractor and is allotted four Work Orders of the Jalna Municipal Corporation, pertaining to: (i) construction of CC/DP Road from Valmik Nagar (Gandhi Nagar) Bridge to Ring Road; (ii) construction of CC Road/underground gutter system from Bakhad Farm to Bhawani Nagar Road; (iii) construction of the third floor of the Jalna Municipal Corporation building; and (iv) construction of a 24-metre wide DP Road and cement concretisation from APMC Ring Road to Hind Nagar.

5. That after completing a part of the first work, the complainant submitted a running account bill of Rs. 2,82,00,000/-, out of which he received Rs. 1,92,00,000/-, and Rs. 90,00,000/- was outstanding. That on 15.10.2025, when the complainant requested release of the

balance amount and further approval of Rs. 1,60,00,000/- for remaining work, the Applicant demanded Rs. 20,00,000/-, which was later negotiated to Rs. 10,00,000/-. The prosecution alleges that the Applicant was apprehended while accepting the negotiated amount of Rs. 10,00,000/-, leading to registration of FIR at Kadim Police Station for offence under Section 7 of the Prevention of Corruption Act, 1988.

6. It is the submission of the learned Senior Counsel appearing for the applicant that the FIR is dated 17.10.2025 and relates to the trap laid by the Anti-Corruption Bureau pursuant to the complaint lodged by the complainant. The applicant was arrested on 16.10.2025, i.e., on the date of the trap, for allegedly accepting an amount of Rs. 10,00,000/- as illegal gratification. It is submitted that the investigation is almost complete. The applicant's voice samples have already been obtained by the prosecution and, therefore, further incarceration of the applicant is not necessary. It is further submitted that the applicant is ready to abide by any conditions that may be imposed by this Court and may, therefore, be released on bail.

7. The learned Senior Counsel further relies upon the judgment of a learned Single Judge of this Court in ***Shankar Ravji Patole vs. State of Maharashtra***, BA No. 3998 of 2025, wherein, in identical circumstances, this Court was pleased to release a public servant

charged under Sections 7 and 12 of the Prevention of Corruption Act, 1988, after 17 days of custody. Reliance is also placed on the judgments of this Court in *Khemlo Sakharam Sawant vs. State*, 2001 SCC OnLine Bom 395, and *Dipak Desai vs. State through Police Inspector, CID, Crime Branch, Dona Paula, Goa and Another*, 2014 SCC OnLine Bom 330. It is further submitted that the charge of Municipal Commissioner, Jalna, is already handed over to the Collector, District Jalna, as Additional Charge and therefore, there is no possibility of the applicant tampering with the evidence or causing any prejudice to the prosecution.

8. It is further submitted by the learned Senior Counsel that during the pendency of the present bail application, the State Government, vide order dated 21.11.2025, has even suspended the applicant from the post of Commissioner, Municipal Corporation, Jalna. A copy of the order dated 21.11.2025 is tendered at the Bar and is taken on record and marked 'X' for identification. In view of the same, any apprehension that the applicant may interfere with the prosecution evidence does not survive. The applicant is behind bars since 16.10.2025 and is willing to cooperate with the investigation, and is prepared to abide by any conditions that may be imposed by this Court.

9. As against this, the learned APP for the State vehemently opposes the present application, submitting that the pre-trap panchnama and the voice recordings captured during the trap clearly establish not only the demand made by the applicant but also the acceptance of a bribe amount of Rs. 10,00,000/- by the applicant at his residence. It is submitted that although the voice sample of the applicant has already been collected, the same has been forwarded for chemical analysis and the forensic report is awaited. It is further submitted that the proposal for obtaining sanction from the Competent Authority is under process and, therefore, the applicant may not be released on bail at this stage.

10. Learned Counsel Mr. Ghule Patil, who has filed appearance on behalf of the complainant to assist the prosecution, also vehemently opposes the bail application by filing application to assist the prosecution. It is submitted that the applicant, having served as Commissioner of the Municipal Corporation, Jalna, is in a position of authority and influence, and there is every likelihood that he may use such influence to cause prejudice to the prosecution, particularly as the proposal for sanction is still pending before the Competent Authority.

11. It is further submitted that there are two other complaints filed by private individuals alleging criminal misconduct on the part of the

applicant one by Baburao Satkar and another by Ashok Navkar, pending before the learned Magistrate at Jalna under Section 156(3) of Cr.P.C., wherein serious allegations have been levelled against the applicant. Considering that the applicant has previously served as the Municipal Commissioner, there is a likelihood that the applicant may threaten the complainant and influence the prosecution witnesses.

12. It is further submitted that although the Government has issued an order of suspension dated 21.11.2025, the applicant has been directed to report to the Collector Office, Jalna, during the suspension period. Therefore, his continued presence in Jalna City may enable him to tamper with the evidence collected by the prosecution. The learned assisting counsel submits that if the applicant is allowed to stay in Jalna City, he may threaten the prosecution witnesses and intimidate the complainant, who is working as a contractor in the same Municipal Corporation where the applicant served as Commissioner. Hence, the learned assisting counsel prays for rejection of the bail application.

13. I have perused the investigation papers submitted by the learned APP as well as the application filed by the assisting counsel. A perusal of the investigation papers reveals that the pre-trap panchnama and the voice transcripts have already been obtained and forms part of the record, substantiating the allegations in the FIR.

The voice samples of the applicant have already been collected. The investigation further reveals that the statements of relevant witnesses have also been recorded by the prosecution and are part of the case diary. Thus, the investigation appears to be complete, except for the proposal for obtaining sanction from the Competent Authority.

14. The orders relied upon by Mr. Mohite, learned Senior Counsel for the applicant, namely ***Shankar Ravji Patole*** (supra), ***Khemlo Sakharam Sawant*** (supra), and ***Dipak Desai*** (supra), indicate that in cases involving identical allegations and offences under the Prevention of Corruption Act. In the case of ***Shankar Ravji Patole*** (Supra), this Court has granted bail after the accused had undergone 17 days of custody after being caught while accepting or demanding bribe amount of Rs. 10,00,000/-. In the aforesaid case of ***Shankar Ravji Patole*** (Supra), this Court held that once the investigation is complete and the transcript panchnamas are prepared, voice samples are recorded, and the statements of panch witnesses are collected, further detention of the accused would amount to pre-trial punishment.

15. Thus, considering the investigation in the present case is substantially complete, though the charge-sheet is yet to be filed, and that the transcript panchnamas have been recorded and the voice sample of the applicant has already been collected and forwarded to

forensic laboratory for its report, and the documents pertaining to the contract and work order pertaining to 15 meter and 12 meters wide D. P. Road from Walmik Nagar Bridge to Ring Road for Municipal Corporation Jalna, as well as other contracts and Statement of Accounts of the IDBI Bank in the name of Commissioner of the Municipal Corporation of Jalna is already collected, in my opinion, the further detention of the applicant would not serve any fruitful purpose. The law laid down in the aforesaid orders, particularly in ***Shankar Ravji Patole*** (supra) in Bail Application No. 3998 of 2025 decided on 17.10.2025, squarely applies to the facts of the present case, wherein it is observed as under :-

“13. In the aforesaid context, the objection of the prosecution on the grounds of progress of investigation and the likelihood of tampering with evidence and threatening the witnesses is required to be appreciated. The public servant, the Court was informed, has been suspended from service. This factor disables the public servant, to a large extent, from tampering with the official record which bears upon the guilt of the public servant. The investigation into the alleged amassing of wealth disproportionate to the income of the public servant would also substantially revolve around documents. A permission for open enquiry in that regard is awaited. In this backdrop, the Court prima facie finds that the further detention of the accused is not warranted to facilitate unhindered investigation.

*14. In the case of ***Khemlo Sawant*** (supra), a learned Single Judge of this Court, observed that bail is rule and jail is an exception, particularly when the offence in question is not an offence which involves life or death sentence. In the context of the apprehension of tampering with evidence, the learned Single Judge observed that, in that case, the said apprehension*

was totally misplaced for the simple reason that, having regard to the nature of the allegations in the complaint, the crucial evidence was that of the complainant himself. Therefore, in case the applicant is released on bail, and attempts to bring any pressure on the complainant, that would be a good case for cancellation of bail, but it will result in miscarriage of justice to keep the applicant in custody on the basis of mere apprehension.

15. *In the case of **Dipak Desai** (Supra), following the aforesaid decision, another learned Single Judge exercised the discretion to grant bail to the accused, who were arraigned for the offences punishable under PC Act, 1988 by observing that no purpose would be served by keeping the accused in custody as they were remanded to judicial custody and there was no possibility of any further custodial interrogation.”*

16. At the same time, the apprehensions raised by the learned assisting counsel for the complainant appears to be genuine. The applicant was serving as the Municipal Commissioner of Jalna, while the complainant is a contractor working with the same Corporation, and the suspension order dated 21.11.2025, shows that the applicant's headquarter is Collector Office, Jalna, and that he shall not leave the Headquarters without permission of the Government. Therefore, there exists a likelihood that if the applicant is permitted to enter the limits of Jalna City, particularly in view of the Suspension Order dated 21.11.2025 directing the applicant to report at the Collector Office, Jalna as his headquarters, he may be in a position to tamper with the evidence or intimidate the prosecution witnesses, including the complainant.

17. At this stage, learned Senior Counsel for the applicant, upon instructions, makes a statement that if the applicant is released on bail, he shall not enter the city limits of Jalna City till framing of the charge and shall take appropriate steps with the Government. He further submits that if such a condition is imposed, the applicant shall scrupulously comply with the same. The statement is accepted as an undertaking to the Court. Taking into consideration the voluntary statement made by the learned Senior Counsel for the applicant, the apprehensions raised by the complainant can be adequately addressed by imposing appropriate conditions. Therefore, I am inclined to release the applicant on regular bail.

18. Having regard to the above, I am inclined to pass the following order :-

ORDER

- i. The applicant – *Santosh Mahadeo Khandekar* shall be released on regular bail on furnishing PR. bond of Rs. 1,00,000/- (Rupees One Lakh Only), with one or two local solvent sureties in the like amount, in connection with FIR bearing Crime No. 0440 of 2025 dated 17.10.2025, registered with Kadim Police Station, District Jalna, for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988, subject to the following conditions :-

- (a) The applicant shall remain outside the limits of Jalna City until the framing of charge and recording of the

complainant's evidence before the learned Trial Court, except when required for the purpose of investigation.

- (b) The applicant shall attend the concerned Police Station on every Friday between 11:00 a.m. and 02:00 p.m. until submission of the charge-sheet.
- (c) The applicant shall attend each and every date before the Trial Court unless exempted by the Trial Court on emergent grounds.
- (d) The applicant shall not pressurize the prosecution witnesses nor shall he tamper with the prosecution evidence in any manner.

19. In the event, the applicant violates any of the conditions specified in this order, shall entitle the prosecution to seek cancellation of bail.

20. Needless to say, the observations made in this order are limited to the disposal of the present bail application and the Trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

21. The Bail Application stands disposed of accordingly.

22. The Criminal Application No. 4475 of 2025 for Assisting the Public Prosecutor also stands disposed of.

(MEHROZ K. PATHAN, J.)