



Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (BAIL) NO.19 OF 2025

SUNIL GUDLAR, PRESENTLY IN
JUDICIAL CUSTODY AT COLVALE
JAIL THR. HIS WIFE NEETA SUNIL
GUDLAR

... Applicant

Versus

POLICE INSPECTOR, ANTI
CORRUPTION BUREAU
POLICE STATION AND ANR.

... Respondents

Mr. G. Teles with Ms R. Ballari, Advocates for the Applicant.
Mr. Nikhil Vaze, Additional Public Prosecutor for the State.

CORAM: VALMIKI MENEZES, J.

DATED: 8th May, 2025

P.C:

1. This is an application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). The applicant/accused no.2 in (FIR) bearing No.1/2025 registered on 21.04.2025 at the Anti-Corruption Bureau (ACB) under Section 7 of the Prevention of Corruption Act (Amended), 2018, and Section 3(5) of the BNS, was arrested on 21.04.2025 and has been in custody since.

2. The case of the Prosecution in brief, as narrated in the Say of the I.O. filed on 07.05.2025 is that the ACB received a written complaint on 21.04.2025 from one Akshay Kodate, resident of Belgaum against accused no.1, Hussain, a police official of the Konkan Railway Police Station, Margao for demanding from the complainant a bribe amount of Rs.2 lakhs to close a criminal case registered with regard to certain parcels of bovine meat seized by the Konkan Railway Police. The complaint alleges that the bribe was solicited by the Police Inspector of the Konkan Railway Police Station and an amount of Rs.25,000/- would have to be paid on monthly basis by the complainant to enable him to run his business smoothly without hindrance.

3. According to the I.O., an offence was registered under the Prevention of Corruption Act against accused no.1 and the case was handed over to the present I.O. During investigation, it was revealed that accused no.1 was constantly messaging the complainant on a particular phone number making illegal demands for a bribe of money on behalf of the said Police Inspector and audio recordings containing the alleged demand of bribe came to be attached under an Attachment Panchanama, after which a trap was set up in which the accused no.1 Hussain and the applicant have actively participated in demanding and accepting the bribe amount.

4. It is further the case of the prosecution that the currency notes which were set up for the trap, placed in an envelope as the bribe amount were recovered during the trap proceedings from the table of the applicant and an audio recording, on a device planted on the person of the complainant who participated in the trap has also been attached and recovered to substantiate the participation of the applicant in the offence. The applicant was arrested on 21.04.2025. The house of the applicant has been searched pursuant to obtaining search warrant. All recoveries and recording of statements are complete except for recording of the statement of the main complainant, who resides in Belgium.

5. The main objection of the State, to the release of the applicant, who is presently in Judicial Custody at Colvale Central Jail, is that he, being an influential person would threaten the complainant or any other witness and exert enough influence upon the witnesses to derail the investigation; The release is further objected to on grounds that the applicant, being a police officer for more than two decades, and well-versed with the law, would not cooperate with the investigation and may tamper with any evidence.

6. The criminal antecedents of the applicant are stated to be two pending cases, both at the stage of framing charge. The first case pending against the applicant is a final report under Section 13(2) of

the P.C. Act for possessing assets disproportionate to the applicant's sources of income while the second case which is pending before the Sessions Court is Special Case No.32/2010 under the NDPS Act.

7. The learned advocate for the applicant submits that the applicant has permanent residence at St. Cruz, Goa and is presently under suspension by the Police Department. He submits that the applicant, who has deep roots in Goan society, would not breach any conditions of bail and would cooperate with the investigation in every manner possible. Learned advocate, on instructions submits that the applicant will also cooperate with the investigation to give his voice samples if required, considering that the allegation against the applicant is that the act of demanding the bribe has been recorded on an audio device. It is also submitted that the applicant does not possess a passport and hence would not be able to travel outside the country or flee from justice.

8. The investigation in this matter appears to have reached the end and it is only the statement of the complainant that is left to be recorded. The complainant resides in Belgaum, and the I.O. assures that his statement would be recorded within a week. The voice sample of the applicant is also yet to be taken.

9. For reasons stated above, the application of the Accused for bail is granted on the following conditions:

- (i) The Accused/Applicant shall be released on executing a Bail Bond of Rs. 1,00,000/- (Rupees One Lakh only) with one surety in the like amount, to be executed before the Sessions Court, South Goa at Margao.
- (ii) The Accused/Applicant shall furnish to the Sessions Court and Investigating Officer a copy of his Aadhaar card, full residential address, email ID and a mobile phone number, which shall be kept functional and on at all times to enable the Investigating Officer to contact him;
- (iii) The Accused/Applicant shall not interfere with any of the witnesses or attempt to contact them by himself or through any of his associates. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing these facts to the Court.
- (iv) The Applicant shall not leave the State of Goa without permission of the Sessions Court, Margao; If the Applicant possesses a passport he shall surrender the same and deposit such passport before the Sessions Court.
- (v) The Accused/Applicant shall continue to reside at the address furnished by him, at Santa Cruz, Tiswadi and shall not change his

place of residence without informing the Sessions Court at Margao of the same.

(vi) The Accused/Applicant shall present himself before the I.O. on every Monday between 10.00 a.m. and 1.00 p.m. and on any other day that the I.O. requires his presence on giving a 24 hr. notice, until a chargesheet is filed.

10. The application stands disposed of in the above terms.
11. All concerned to act on an authenticated copy of this order.

VALMIKI MENEZES, J.