

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Anticipatory Bail Application No.1928 of 2025

Bipin Balkrishna Chavan
Age-35 years Occ: Service
R/o.: Vastunirmiti Landmark,
Siddhanath Wadi, Wai, Tal-Wai,
Dist-Satara

... Applicant

versus

The State of Maharashtra
At the instance of Anti-Corruption
Bureau (ACB) Satara Vide C R No.
197 of 2025 registered with
Wai Police Station

... Respondent

Mr Aniket Vagal, along with Mr Mahesh Yadav, Mr Sharad Mulik, Ms Juhi Kadu and Mr Kunal N Pednekar, for the applicant.

Mr Anand Shalgaonkar, APP, for the respondent/ State.
Rajesh Vasant Waghmare, Deputy Superintendent of Police, Anti-Corruption Bureau, Dist. Satara, is present.

Coram: R.N. Laddha, J.

Date: 15 July 2025.

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.197 of 2025, registered with the Anti-Corruption Bureau, Wai, for offences punishable under Sections 7, 7A, and 12 of the Prevention of Corruption Act, 1988, and

Sections 115(2), 351(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution alleges that the applicant, a Police Sub-Inspector at Wai Police Station, demanded a bribe through co-accused Umesh Gahine, a Police Constable, to avoid filing a false gang rape case against the informant. Unwilling to pay, the informant approached the Anti-Corruption Bureau (for short, 'ACB'), which set up a trap. On 4 July 2025, Gahine first demanded Rs.20,000/-, later reducing it to Rs.15,000/-. That evening the applicant threatened to arrest and assaulted the informant before signalling the bribe demand. Later, Gahine accepted the bribe, marked with anthracene powder, behind the station. The ACB then caught him red handed and arrested him.

3. Mr Aniket Vagal, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and contends that the applicant has neither demanded nor accepted the alleged bribe amount, either directly or indirectly through any intermediary. He further submits that the entire alleged amount has already been recovered by the investigating agency, and no further recovery or discovery remains to be made from the applicant. The learned Counsel further asserts that the applicant has been falsely implicated in the crime and is ready

to comply with any conditions this Court imposes if granted bail. In support of his contentions, the learned Counsel relied on the decisions of this Court in *(i) Pradeep s/o Dilip Veer Vs. The State of Maharashtra & Anr. ABA No.727/2021 decided on 16 July 2021; (ii) Raju Dhondiram Akrupe Vs. The State of Maharashtra, ABA No.1237/2024 decided on 7 May 2024; (iii) Geeta Bhaskar Shejwal Vs. State of Maharashtra & Ors., 2023 SCC OnLine Bombay 1449; (iv) Somnath Suresh Zende Vs. State of Maharashtra, 2022 SCC OnLine Bom 6007; and (v) Suresh Kundlik Geete Vs. The State of Maharashtra, ABA No.1354/2022 decided on 24 May 2022.*

4. On the other hand, Mr Anand Shalgaonkar, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for pre-arrest bail. He submits that the transcript of the conversation between the informant and the applicant demonstrates that the applicant demanded a bribe using suggestive gestures, which the informant evidently understood and affirmed by nodding in agreement. The learned APP further submits that the applicant has adopted a deliberate *modus operandi* involving intimidation and extortion, threatened individuals with false criminal charges and arrests, thereby coercing them into paying bribes to avoid legal consequences.

5. Mr Shalgaonkar also brings to the Court's attention that more victims have come forward with similar allegations, suggesting a pattern of repeated misconduct by the applicant. Moreover, the learned APP submits that despite being served with a notice by the ACB, the applicant failed to appear for questioning and has since absconded. This has necessitated the issuance of a non-bailable warrant for his arrest. Additionally, the applicant has criminal antecedents of similar nature.

6. The learned APP further submits that the investigation is in its early stages, and the applicant's custody is deemed necessary. The applicant's voice sample is yet to be collected. The applicant obtained the contact numbers of certain individuals from the mobile phone of a woman who had approached the police station with allegations of sexual assault. Thereafter, the applicant contacted these individuals and demanded bribes over the phone. The allegations against the applicant are serious and it is essential to seize the applicant's mobile phone. If pre-arrest is granted, there is a serious risk that the applicant may tamper with the evidence or influence witnesses. In support of his contentions, Mr Shalgaonkar relies on the Hon'ble Supreme Court's decision in *Devinder Kumar Bansal Vs. State of Punjab*, 2025 SCC OnLine SC 488.

7. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records.

8. It is a settled position in law that while considering the request for pre-arrest bail in serious offences such as corruption, the Courts must exercise heightened caution. An accused individual must demonstrate exceptional circumstances, like being falsely implicated in the crime or that the allegations are politically motivated or frivolous. The mere presumption of innocence, while significant, cannot be the sole basis for exercising the discretionary relief. A profitable reference in this regard can be made to the decision of the Hon'ble Supreme Court in *Devinder Kumar Bansal (supra)*.

9. Further, it is a well-established legal principle that the power to grant anticipatory bail is extraordinary and must be used with caution and discretion, based on the specific facts of each case. Unlike regular bail, it cannot be treated as a general rule. Courts must avoid a one-size-fits-all approach, as granting pre-arrest bail in serious cases may affect the investigation. All these aspects are highlighted in the decision of the Hon'ble Supreme Court in *Srikant Upadhyay Vs. State of Bihar, 2024 SCC OnLine SC 282*.

10. Furthermore, in *CBI Vs. Santosh Karnani, 2023 SCC OnLine SC 427*, the Hon'ble Supreme Court observed that corruption poses a grave threat to society, undermining public trust and eroding governance. It results in significant losses to the public exchequer and damages the foundations of good governance, necessitating strict measures.

11. In the present case, the applicant, who serves as a Police Sub-Inspector at Wai Police Station, stands accused of conspiring with the co-accused, who holds the position of Police Constable, in demanding and accepting illegal gratification. The purpose of this alleged demand was to dissuade the filing of a false gang rape complaint against the informant. It is further alleged that the co-accused, acting on behalf of and under instructions from the applicant, collected the bribe money from the informant. A perusal of the material available on record *prima facie* suggests that the initial demand for the bribe was made by the co-accused at the applicant's instance. Subsequently, the applicant appears to have reiterated this demand through non-verbal gestures. The task of receiving the bribe appears to be delegated to the co-accused. Notably, just prior to the actual acceptance of the illegal gratification at the scene of the incident, the applicant, through a phone call, assured the informant that no action would be taken against

him. This reinforces the agreement and provides further material of the applicant's involvement. Taken together, these circumstances point to the applicant's active participation in the alleged offence.

12. Furthermore, it has been brought to the Court's attention that the applicant has a criminal antecedent of similar nature. Additional victims have also come forward with similar allegations, indicating a broader pattern of misconduct. The investigation, at this juncture, is at a nascent stage. The material on record does not indicate the existence of exceptional circumstances, as narrated above, which would justify granting pre-arrest bail to the applicant. That apart, the applicant is not attending the trial proceedings in the earlier crime registered against him and non-bailable warrant has already been issued against him. Granting relief to the applicant at this preliminary stage would jeopardise the course of an effective investigation.

13. Considering the nature of the allegations, the material on record, the nascent stage of the investigation, and settled legal principles concerning anticipatory bail in cases of such nature, this Court does not deem it fit to exercise its discretion in favour of the applicant. As a result, the application stands rejected.

14. It is, however, clarified that the observations made in this Order are *prima facie* and limited to the purpose of deciding the applicant's entitlement to pre-arrest bail. If the applicant prefers an application for regular bail, it shall be decided on its own merits, in accordance with law, without being influenced by the observations made hereinabove.

(R.N. Laddha, J.)