

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3621 OF 2024

Dhananjay L. Nikam

...Applicant

V/s.

The State of Maharashtra

...Respondent.

.....
Mr. Ashok Mundargi, Sr. Advocate a/w. Adv. Barsha Parulekar i/b
Mr. Viresh Purwant for the Applicant.
Mrs. Veera Shinde, APP for the Respondent/State.
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CORAM : N.R. BORKAR, J.
DATE : 17.03.2025.

P.C. :

1. This is an application for anticipatory bail.
2. The applicant, who is a judicial officer and at the relevant time was posted as District Judge-3 and Additional Sessions Judge, Satara, is apprehending his arrest in Crime No.1114/2024 registered at Satara City Police Station, Satara for the offences punishable under Sections 7, 7A, 12 of the Prevention of Corruption Act and Section 3(5) of the Bhartiya Nyay Sanhita (BNS).
3. The applicant is the accused No.3 in the aforesaid crime. The bail application of the father of complainant/informant was pending before the applicant. On 29.11.2024, accused No.1 - Anand Kharat approached the complainant with fake name as Samrat Jadhav and told her that he would help her to release her

father on bail. On 30.11.2024, accused No.1 contacted the complainant on her mobile phone and told her to arrange Rs.5 lakhs for the said purpose. It is alleged that the accused No.1 had disclosed certain events, which took place during the course of hearing of the bail application to the complainant and therefore, she agreed to meet him on 3.12.2024. It is alleged that as the complainant was not willing to pay bribe amount and thus on 2.12.2024, she lodged the complaint with Anti Corruption Bureau, Pune.

4. On 3.12.2024, the alleged demand was verified. According to the prosecution on 03.12.2024, accused No.1 - Anand Kharat and accused No.2- Kishor Kharat came to the house of the complainant and told her that they will arrange meeting with the applicant on 9.12.2024. It is alleged that during verification, they demanded bribe amount of Rs.5 lakhs for getting favourable bail order. She was told that during meeting with the present applicant she will have to use the code word.

5. It is alleged that on 9.12.2024, accused Nos.1 and 2 took the complainant to District Court, Satara. They suggested her to go into the Court of the applicant to see him.

6. It is alleged that after court working hours, accused No.2 contacted the applicant and called him in the vicinity of PWD building located near District Court, Satara. It is alleged that while they were waiting there, the applicant reached there in his white

Honda City Car bearing No. MH-10-BA-9414. The complainant and the accused No.2 sat in the car of the applicant. It is alleged that the accused No.2 requested the applicant to pass the order on the next day to which the applicant agreed. It is alleged that she was then told to arrange bribe amount. It is alleged that on the next day, i.e., on 10.12.2024 she got call from accused No.1. She informed him that she is in Room No.202 of Mansi Inn Hotel. She told accused No.1 to come there to collect bribe amount, to which accused No.1 agreed. After some time, accused No.1 and his driver came to the said room and at that time, it is alleged that accused No.2 was waiting downstairs. She told accused No.1 to count the amount in her presence, to which he refused. It is alleged that accused No.1 got suspicious and then they raw away from the spot.

6. I have heard the learned Senior Advocate for the applicant and the learned APP for the Respondent/State.

7. Learned Senior Advocate for the applicant submits that there is neither demand nor acceptance by the applicant. It is submitted that the applicant never met the complainant nor had any conversation as alleged. It is submitted that the sanction as contemplated under Section 17A of the Prevention of Corruption Act is not obtained. It is further submitted that the whole version of the complainant is doubtful. It is submitted that the applicant is willing to cooperate with the investigation and there is no need of custodial interrogation. It is therefore, submitted that the

applicant may be released on anticipatory bail.

8. On the other hand, learned APP for the Respondent/State submits that accused No.2 was serving in police department. It is submitted that on 10.12.2024 after running away from Mansi Inn Hotel, accused No.2 had made nine calls to the present applicant and they talked with each other. It is submitted that the prosecution has recorded the conversation, which took place between the informant and the present applicant. Learned APP submits that custodial interrogation of the applicant is necessary to unearth the whole modus operandi. It is submitted that considering the nature of crime, the applicant may not be released on anticipatory bail.

9. I have perused the papers of investigation and more particularly, the alleged conversation between the applicant and the complainant. There is a sufficient incriminating material against the present applicant to connect him with the crime in question. It appears that on 10.12.2024, the applicant had picked up the phone calls of the accused No.2, when he was supposed to be on dias. This conduct of the applicant *prima facie* corroborates the prosecution case. Considering the overall facts and circumstances, I am not inclined to release the applicant on anticipatory bail. Hence, the Application stands rejected.

[N.R.BORKAR, J.]