

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

CRIMINAL BAIL APPLICATION NO.2385 OF 2025

Jitendra Khanderao Sonawane. ... Applicant.
Vs.
The State of Maharashtra ... Respondent.

Mr. R.R. Dube-Patil i/b. Jay & Co., for the Applicant.
Mr. T.G. Khan, APP for Respondent/State.
Ms. Swati Govindrao Pawar, DYSP, ACP, Nashik.

CORAM : ASHWIN D. BHOBE, J.

DATE : 20th JUNE, 2025

P.C. :

1. Heard Mr. R. R. Dube-Patil, learned Advocate for the Applicant and Mr. T.G. Khan, learned APP for State.
2. By the present Application filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”), the Applicant is seeking regular bail in Crime No.300 of 2025 registered with Satana Police Station, Satara, Taluka Satana, Dist. Nashik, for offences punishable under Sections 7, 7(A) of the

Prevention of Corruption Act, 1988.

3. Case of the prosecution is that the Applicant working as a Principal in Government Ashram School, Tatani Nashik, demanded an amount of Rs.8,000/- as bribe, from the Informant in connection with the drawing of previous bills and Rs.1,300/- as bribe, in connection with the bill to be drawn. Verification of the demand is carried out in the presence of Panch by using voice recorder. The amount of Rs.8,000/- was offered to the Applicant, however the Applicant kept the said amount of Rs.8,000/- on the table and fled.

4. Applicant was arrested on 5th May, 2025. Applicant was in police custody till 9th May, 2025. Since then the Applicant is in judicial custody.

5. Bail Application No.424 of 2025 filed by the Applicant was dismissed by the learned Special Judge, Malegaon on 23rd May, 2025.

6. Mr. Dube-Patil, learned Advocate for the Applicant submits that the Applicant is Principal in Ashram School at Tatani

and has deep roots in the society. He submits that the Applicant has been falsely implicated in the present crime and allegations made against him are improbable as it is hard to believe that the Applicant would demand bribe as alleged. He submits that the amount of Rs.8,000/- alleged to be bribe was not taken by the Applicant. He submits that there is no evidence on record to show that the money was voluntarily taken as bribe. He states that no recoveries were made or sought to be made from the Applicant. He submits that Applicant has an aged mother and his wife is suffering from a serious life-threatening ailment. He submits that medical reports of his wife are placed on record. He submits that the Applicant is the sole bread winner and he is the person who has to take care of his mother and wife. He submits that there is no possibility of tampering with the evidence or witnesses. He submits that the *bonafides* of the Applicant in cooperating with the investigation can be seen from the fact that upon the dismissal of the application for Anticipatory Bail, filed by the Applicant, Applicant himself surrendered to the investigating agency. He submits that the Applicant does not have any criminal antecedents and the Applicant is not involved in any such offence.

7. Mr. Khan, learned APP submits that the charges in the offence are serious in as much as they pertain to allegations against a Government Servant of receiving illegal gratification. He submits that the material on record is sufficient to indicate that the Applicant being guilty of the offence. He states that the investigation is complete and the prosecution is awaiting Sanction from the Competent Authority.

8. I have perused the record with the able assistance of learned Advocates for the parties.

9. The Hon'ble Supreme Court in the case of Satender Kumar Antil Vs. Central Bureau of Investigation¹, has laid guidelines in the context of the offences mentioned in the categories / types of offences. Categories / types of offences and Paragraph No.85 are transcribed herein below:

“ Categories/Types of Offences

(A) Offences punishable with imprisonment of 7 years or less not falling in Categories B & D.

(B) Offences punishable with death, imprisonment for life, or imprisonment for more than 7 years.

(C) Offences punishable under Special Acts containing stringent provisions for bail like NDPS (Section 37), PMLA (Section

¹ (2022) 10 SCC 51

45), UAPA [Section 43-D(5)], Companies Act, [Section 212(6)], etc.

(D) Economic offences not covered by Special Acts.

Categories A & B

85. We have already dealt with the relevant provisions which would take care of Categories A and B. At the cost of repetition, we wish to state that, in Category A, one would expect a better exercise of discretion on the part of the court in favour of the accused. Coming to Category B, these cases will have to be dealt with on a case-to-case basis again keeping in view the general principle of law and the provisions, as discussed by us.”

10. It is trite law that one of the key factors to determine the gravity of offence is the term of sentence as prescribed for the offence. Other factors which are required to be considered in offences, including economic offence are the nature of accusations and the severity of punishment to which the accused may be liable in the case of conviction; material relied upon by the prosecution, apprehension of tampering with the witnesses; possibility of securing the presence of the accused at the time of trial / likelihood of the accused absconding, character / behaviour of the accused and larger interest of public.

11. From the nature of allegations against the Applicant, though the offence charged against the Applicant is serious, however in terms of the settled principles of law that gravity of offence cannot be a sole criteria for rejection of bail and bail ought

not to be denied solely on the offence being serious. Applicant having himself surrendered after the rejection of his anticipatory bail application and having offered himself for investigation, is a factor which would reflect on the character of the Applicant. Applicant does not have criminal antecedents. Applicant is in jail for 45 days. Maximum punishment in the present crime, if proved, is 7 years. As per the prosecution, investigation is complete and sanctions from the Competent Authority, is awaited for filing charge-sheet. Bail should not be withheld as a punishment.

12. In view of the above and considering the Applicant having an aged mother and his wife suffering from serious ailment, no fruitful purpose would be served by keeping the Applicant in judicial custody. Applicant has made out the case for grant of bail.

13. Bail Application is allowed on the following conditions :

- (a) Applicant is directed to be released on bail in connection with Crime No.300 of 2025 registered with Satana Police Station, Taluka Satana, Dist. Nashik upon furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount to the satisfaction of Learned

Sessions, Judge, Malegaon.

(b) Applicant shall report to the Investigation Officer, ACB, Nashik on 5th and 25th day of each month from 5 p.m. to 6 p.m. till the conclusion of trial.

c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing the facts to the Court or any police officer and should not tamper with evidence.

(d) Applicants upon release, within 3 days shall furnish to the Investigation Officer, ACB, Nashik, his residential address with proof and the contact number and to keep the Investigation Officer intimated about the change in the same from time to time.

14. Criminal Bail Application No. 2385 of 2025 is disposed of.

(ASHWIN D. BHOBE, J.)