

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 686 OF 2025

Kapil Tukaram Ghorpade

..... Applicant

VERSUS

State of Maharashtra & Anr.

..... Respondents

Mr. Ashok Mundargi, Senior Advocate a/w. Adv. Pravada Raut,
Adv. Deepak Kurne, Adv. Sai Rajendra Kadam for the Applicant.

Mr. Anand S. Shalgaonkar, A.P.P. for the State.

Mr. Shashikant Padave, Dy. S.P., A.C.B., Raigad Police Station present.

CORAM : RAJESH S. PATIL, J.

DATE : 24th MARCH, 2025

P.C. :-

This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with FIR No. 0010 dated 27th February, 2025 registered with Poladpur Police Station, Raigad for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988.

2. By an order dated 11th March, 2023, the applicant was directed to attend the office of the Investigating Officer on 12th March 2025, 13th March 2025 and 17th March 2025. It is submitted before me by the learned A.P.P. that the applicant has attended the office of the

Investigating Officer and has co-operated.

3. For ease of reference, the said order dated 11th March, 2025 is reproduced hereinbelow :-

1. The present application is filed by applicant under Section 482 of the Bharatiya Nagrik Suraksha Sanhita, 2023 for anticipatory bail in respect of C.R. No.10/2025, registered with Poladpur police station, for the offence punishable under section 7 of the Prevention of Corruption Act, 1988.

2. The complaint lodged, which forms part of the FIR, contains specific allegations against the present applicant. It is stated that the applicant, who is the Tahsildar as well as the Executive Magistrate at Poladpur, District Raigad, demanded a bribe of Rs.3,00,000/- from the complainant in exchange for passing a favorable order.

3. The learned advocate for the applicant submits that the applicant is a government servant working in the State Government's Revenue Department and has no adverse remarks in his service record. He further submits that his client is willing to cooperate with the investigating officer and contends that the custody of the applicant, being a government servant, is not necessary.

4. The learned APP submits that a notice under Section 35(3) of the BNSS was issued to the applicant. However, the applicant failed to appear before the Investigating Officer, citing medical advice to take bed rest. The said notice had directed the applicant to appear on 28 February 2025. The learned APP contends that, although no trap was arranged, the custody of the applicant is necessary for a proper investigation.

5. After hearing both sides and perusing the FIR, at this stage, it is sufficient to direct the applicant to cooperate with the investigation. Accordingly, the applicant is directed to attend the office of the Investigating Officer for recording his statement on 12 March 2025, 13 March 2025, and 17 March 2025, between 11:00 a.m. and 1:00 p.m.

6. Stand over to 24 March 2025 under the caption "For Urgent Circulation".

7. In the meanwhile, no coercive steps will be taken against the Applicant.

4. Taking into consideration that though there was a demand of amount from the complainant. However, there is no acceptance by the applicant. Taking into consideration the fact that there is no adverse remark in the service record of the applicant and has co-operated with the Investigating Officer by attending the office of the Investigating Officer. Though there was a trap, the said trap was failed.

5. According to me, a case is made out to allow this anticipatory bail application. Hence, the following order :-

ORDER

(a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with with FIR No. 0010 dated 27th February, 2025 registered with Poladpur Police Station, Raigad for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988, the applicant shall be released on bail, on furnishing P.R. bonds to the extent of Rs.30,000/- with two or more sureties of the like amount.

(c) The applicant shall co-operate with the

investigation and attend and meet the Investigating Officer of the concerned Police Station on every Thursday, till filing of the charge-sheet between 11:00 a.m. to 1:00 p.m.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(e) The applicant shall furnish details of his residential addresses, contact numbers and e-mail addresses to the Investigating Officer.

6. The anticipatory bail application is disposed of.

[RAJESH S. PATIL, J.]