

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 812 OF 2025

Vishakha Bhaskar Gosavi

..... Applicant

VERSUS

State of Maharashtra

..... Respondent

Mr. Satyajeet P. Dighe for the Applicant.

Ms. Rutuja Ambekar, A.P.P. for the State.

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 Crime No. 0086 dated 4th March, 2025 registered with Chandvad Police Station, Nashik Rural for the offences punishable under Sections 7(a) and 12 of the Prevention of Corruption Act, 1988.

2. On the basis of the complaint filed, an FIR has been registered against the present applicant. The role of the present applicant has been specifically mentioned in the complaint.

3. The applicant is Talathi of Village Puri and holding additional charge of Village Parsul. The informant had applied for partition of the agricultural land under Section 85 of the Maharashtra Land

Revenue Code. The said application was allowed by Talathi Chandvad. The mutation entry dated 17th February, 2025 was certified by the Circle Officer, Dighwad. The alleged incident of accepting the amount of gratification took place on 3rd March, 2025. the Anti-corruption Bureau caught the persons accepting the bribe. Thereafter the said person was made to call the present applicant who at the relevant time was at village Sogras Phata and as the call was made, the phone was put up on speaker. Therefore, the conversation could be heard by all the persons including the members of the police staff. It has been alleged that during the said call the applicant acknowledged of the money being paid to the present applicant.

5. Mr.Dighe, learned counsel appearing for the applicant submits that the applicant is a lady and her medical condition is not good. Even on 3rd March, 2025 when the police contacted when she was standing at Krushi Utpanna Bazar Samiti, Sogras Phata. Her health condition deteriorated and she was rushed to the hospital by the husband of the applicant. Hence, no action was taken by the police. He submits that the police has not followed the procedure of law as held by the Supreme Court in the judgment of *Mir Mustafa Ali Hasmi vs. State of Andhra Pradesh, (2024) 10 SCC 489*. In the said

judgment it has been held that in such case the trap laying officer to make effort to verify the factum of demand of crime by the public servant before initiating the trap proceedings. He submits that the applicant is ready to co-operate. No purpose will be served in keeping the applicant behind bars who is even today behind bars.

6. The learned A.P.P. submits that the custody of the present applicant is necessary for completing the investigation. She submits that the Investigating Officer has caught the person in the said crime who was having conversation with the person applicant, the present applicant admitted the crime. He admitted that the money which was received by the said person should at present kept with him and she will collect it later. She submits that the offence is relating to the public officer accepting the bribe. Therefore, the offence is punishable under Sections 7(a) and 12 of the Corruption Act is involved.

7. I have heard the learned counsel for both the sides and have considered the documents on record and the judgment of Supreme Court in case of *Mir Mustafa Ali Hasmi* (supra).

8. So also, it has been submitted before me that even today the applicant is admitted in a private nursing home. Considering the fact that the applicant is a lady and her medical condition is not well, even

today she is in hospital. Though the matter is under Prevention of Corruption Act, the bribe was not accepted by the present applicant. It seems some third party has accepted the money as alleged. The voice sample of the present applicant has to be checked by the Investigating Officer. Suffice will be the purpose if as of today, the Investigating Officer collects the voice sample of the present applicant and thereafter continue his investigation.

9. Hence, the present anticipatory bail application stands to be allowed with certain conditions. Hence, the following order :-

ORDER

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

(b) In the event of arrest in connection with Crime No. 0086 dated 4th March, 2025 registered with Chandvad Police Station, Nashik Rural for the offences punishable under Sections 7(a) and 12 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 the Investigating Officer of the concerned Police Station for the purpose of giving her voice sample to the Investigating Officer on 1st April 2024 and 2nd April 2024 between 11:00 a.m. to 1:00 p.m. and thereafter as and when called.

(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.

10. **The anticipatory bail application is disposed of.**

[RAJESH S. PATIL, J.]