

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

ANTICIPATORY BAIL APPLICATION NO. 1485 OF 2025

Mr. Dattatray Govind Bamble

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Pooja Phagnekar, learned Advocate for the Applicant.

Mrs. Megha S. Bajoria, learned A.P.P. for the State/Respondent.

PI Mr. Rajesh Jagade attached to ACB, Thane is present in the Court.

**CORAM : ASHWIN D. BHOBE, J.
[VACATION COURT]**

DATE : 4th JUNE 2025.

P.C. :

1. By the present Application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 ("**BNSS**" for short), the Applicant before this Court is seeking anticipatory bail in connection with Crime No. 143 of 2025 registered with Shahapur Police Station, Kalyan, District-Thane Rural, for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 ("PC Act" for short).

2. Case of the prosecution is that the Applicant working as Nayab Tahsildar had demanded bribe amounting to Rs. 25,000/- from the Complainant to enter the name of Complainant in the revenue records i.e. 7/12 extract. On the basis of the same, the abovesaid crime has been registered.

3. Anticipatory Bail Application No. 1063 of 2025 filed by the

Applicant before the Court of Additional Sessions Judge at Kalyan, District-Thane, was dismissed by an order dated 15th May 2025.

4. I have heard Ms. Pooja Phagnekar, learned Advocate for the Applicant and Mrs. Megha S. Bajoria, learned A.P.P. for the State/Respondent. Perused the record with the assistance of parties.

5. Ms. Pooja Phagnekar, learned Advocate for the Applicant submits that the allegation made in the crime is of alleged demand. She submits that it is neither the case of prosecution that the illegal gratification was received by the Applicant, nor does the crime indicate any material to that effect. She submits that the First Information Report itself would indicate that as on 17th April 2025, the request made by the Complainant was complied by recording the entry in 7/12 extract. She submits that the crime merely makes the allegations against the Applicant. She states that the Applicant is in government service for the last 25 years. She submits that the Applicant doesn't have any antecedents, much less criminal antecedents. She submits that the Applicant is ready to co-operate with the investigation, hence his custodial interrogation is not required.

6. Mrs. Megha S. Bajoria, learned A.P.P. for the State/Respondent submits that there is sufficient material to indicate the involvement of Applicant in the crime. By placing reliance upon Section 7 of the PC Act, she submits that attempt to obtain any illegal gratification is sufficient to charge the said offence. She submits that records before the Investigating Officer

do not indicate the Applicant having criminal antecedents. She further submits that the custody of Applicant is required for obtaining voice samples.

7. In response to the submissions of the learned A.P.P. that if voice samples of the Applicant are required, then she states that she has instructions from the Applicant to make a statement that the Applicant would give his voice samples to the Investigating Officer, Shahapur Police Station, Kalyan, District-Thane Rural or ACB, Thane, as and when called upon. She states that the statement made on instructions be treated as a statement to this Court.

8. Records placed before me, atleast *prima facie* do not contain any allegations against the Applicant of any illegal gratification being accepted by the Applicant. The allegation is that the demand was made of an amount by the Applicant to complete the work of Complainant/Informant.

9. In view of the nature of allegations and considering the Applicant being a government servant and having put in about 25 years service and there being no allegations against the Applicant of similar nature or otherwise, this would be a fit and appropriate case for directing the Applicant to join the investigation, by granting pre-arrest bail.

10. In view of the above, I pass the following order :-

- a) In the event of arrest of the Applicant in Crime No. 143 of 2025 registered with Shahapur Police Station, Kalyan,

District-Thane Rural for the offence punishable under Section 7 of the PC Act, the Applicant shall be released on furnishing PR Bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with one or two sureties in the like amount.

b) Applicant shall report/attend before the concerned Investigating Officer, Shahapur Police Station, Kalyan, District-Thane Rural or ACB, Thane on 9th, 12th and 16th June 2025 from 10.00 a.m. to 2.00 p.m. and on any other day as and when required by the Investigating Officer, Shahapur Police Station, Kalyan, District-Thane Rural or ACB, Thane.

c) Applicant shall co-operate with the investigation, more particularly at the time of obtaining his voice samples.

d) Applicant shall not interfere or influence any of the witnesses or tamper with the evidence in any manner.

e) Applicant shall appear before the concerned Court as and when cognizance is taken by the Court.

f) Applicant shall furnish his residential address with proof and contact details/mobile numbers to the Investigating Officer.

11. Anticipatory Bail Application No. 1485 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]