

AGK

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

ANTICIPATORY BAIL APPLICATION NO.2656 OF 2025

Sushil Waman Visave	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Pranil Sonawane with mr. Raj Chaurasia and Ms. Vedashree Phadke for the applicant.

Mrs. Kranti T. Hiwrale, APP for the respondent-State.

Mr. Narayan M. Sarode, PI, ACB, Raigad Unit, Alibag, is present.

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CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 25, 2025

P.C.:

1. The applicant, apprehending arrest in connection with Crime Register No.185 of 2025 registered at Mangaon Police Station, District Raigad, for offences punishable under Sections 7(a) and 12 of the Prevention of Corruption Act, 1988, has filed the present application seeking pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. As per the prosecution, the complainant is a civil contractor who had acquaintance with one Government contractor, Mr. Mhatre. The work of construction of the ramp of the jetpack was awarded to Mr. Mhatre, and the complainant was allowed to execute the work as a sub-contractor. Under the contract terms, the contractor is required to obtain a testing report from the District

Laboratory, Mangaon, regarding the material used in the civil work. The complainant applied online for the said report and paid the requisite charges. However, even after expiry of the stipulated period, no response was received from the District Laboratory, Mangaon.

3. On 13 August 2025, when the complainant made an inquiry over phone with accused No.2, Sonal Nadkar, she allegedly demanded a bribe of Rs.18,000 for providing a favourable report. On 4 September 2025, when the complainant again inquired, Sonal Nadkar informed him that the report was ready but would not be delivered unless the bribe was paid. The complainant then approached the Anti-Corruption Bureau. A trap was laid, and accused No.2 Sonal Nadkar was caught red-handed while accepting the bribe. On this basis, the FIR came to be registered at Mangaon Police Station, Raigad.

4. Learned Advocate for the applicant submitted that the applicant was not present in the office at the time of the trap. It was further submitted that the co-accused, Sonal, who was caught red-handed, was not even authorised to carry out the work for which she demanded the bribe. The applicant, according to him, has been falsely implicated. He has no direct dealings with the complainant, and no work of the complainant was pending with him. It is urged that his arrest would seriously prejudice his employment. On these grounds, it is submitted that the application deserves to be allowed.

5. On the other hand, the learned APP strongly opposed the application. It was submitted that the co-accused, who was caught red-handed, has made a statement that she accepted the bribe on behalf of the applicant. The communication mentioned in the FIR shows that the applicant himself encouraged the acceptance of bribe through the co-accused. The digital voice recording produced indicates that the applicant spoke about the bribe, and even told the co-accused that he would collect the amount on the next day. It is further submitted that the custody of the applicant is necessary to investigate the role of both women accused, their appointment, and the trail of corruption money. It is also pointed out that the test report work was pending in the office where the applicant was posted, which makes his complicity evident. Despite issuance of notices dated 9 September 2025 and 12 September 2025 under Section 35(3) of the BNSS, the applicant failed to appear before the Anti-Corruption Bureau and has absconded. It is therefore urged that custodial interrogation of the applicant is essential for proper investigation, and hence, the application deserves to be rejected.

6. I have considered the rival submissions and examined the material placed on record. The trap laid by the Anti-Corruption Bureau resulted in the co-accused being caught red-handed while accepting the bribe. This is not in dispute. The prosecution has further relied upon the voice recording, which prima facie shows that the applicant was in communication with the co-accused and was aware of the demand and acceptance of the bribe. Such digital evidence cannot be ignored at this preliminary stage.

7. The statement of the co-accused, recorded immediately after the trap, indicates that the bribe was being collected on behalf of the applicant. It is settled that such statements cannot be taken as conclusive proof at this stage, but they do form a strong link when read with the other evidence, particularly the electronic recording. The presence of both oral and electronic material lends corroboration to the prosecution case.

8. The defence raised by the applicant that he was not physically present in the office during the trap, and that the co-accused was not authorised to deal with the relevant work, are not sufficient to dislodge the prima facie case. What is important is not merely the physical presence at the time of trap but whether there was prior knowledge and active participation in the illegal demand. The voice recording and the co-accused's statement, read together, show that the role of the applicant cannot be excluded at this stage.

9. In corruption cases, the Court has to balance the liberty of the individual with the necessity of a fair investigation. When prima facie evidence points towards complicity of a public servant in demand and acceptance of bribe, the Court must adopt a cautious approach. To brush aside such material at this stage would amount to prejudging the matter and frustrating the ongoing investigation.

10. Hence, on the basis of credible evidence available on record, it is clear that the prosecution has demonstrated a prima facie case connecting the applicant with the offence. The material cannot be

treated as mere suspicion or hearsay, but shows a reasonable nexus between the demand, the acceptance of bribe, and the role attributed to the applicant.

11. The conduct of the applicant in not responding to the notices dated 9 and 12 September 2025 issued under Section 35(3) of the BNSS and in avoiding appearance before the investigating agency also weighs against him. Such conduct indicates that custodial interrogation is necessary not only to trace the flow of bribe money but also to ascertain the manner in which the office was being used for corrupt practices.

12. In view of the material on record, the gravity of the allegations, and the need for custodial interrogation, I am of the opinion that this is not a fit case to grant pre-arrest bail. The application, therefore, stands rejected.

13. Accordingly, the application for anticipatory bail stands rejected.

(AMIT BORKAR, J.)