

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3409 OF 2025

Mrs. Bhagyashri Bhalchandra Yelave	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Kuldeep Patil a/w Mr. Prashant Hagare and Ms. Ekta Patil, for Applicant.
Ms. S.K. Gajre, APP for the State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 11th December 2025

P.C.:

1. Heard Mr. Kuldeep Patil, learned Counsel appearing for the Applicant and Ms. Gajre, learned APP for the State.
2. By this application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), the Applicant is seeking pre-arrest bail in connection with C.R. No.692 of 2025 registered with Daund Police Station, Pune Rural, for the offences punishable under Sections 7A and 7 of the Prevention of Corruption Act, 1988.
3. The prosecution case is set out in paragraph Nos.2 to 10 of the Order dated 25th November 2025 passed by the learned Special Judge, Under Anti-Corruption, Baramati in Criminal Bail Application No.881 of 2025, which reads as under :

“2] The complainant Fattubhai @ Shafiq Rahiman Mulani is owner of Punyai Securities Services Pvt.Ltd. and used to provide security guards. His wife Nutanbi Shafiq @ Fattubhai Mulani is also owner of Punyai Enterprises. The said company used to provide skilled and unskilled labours.

3) As per letter dated 21/04/2022 of Daund Nagarparishad, tender of complainant to provide 20 security guards was passed by Daund Nagarparishad. Daund Nagarparishad has also issued work order dated 28/12/2022 to provide 05 male skilled labours and 04 male unskilled labours to the company of his wife. Daund Nagarparishad used to pass order and extend the period of services provided by the complainant from time to time. Accordingly, they have passed order till 31/12/2024. After 31/12/2024, the complainant has continued his services and provided security guards as well as skilled and unskilled labours to Daund Nagarparishad and was waiting for further work order.

4] According to the complainant, Daund Nagarparishad used to draw work order and used to pay service charges to the company of complainant and his wife from time to time. At the time of every bill, Chief Officer of Daund Nagarparishad Shri. Vijay Kawale asked the complainant and his wife to pay Rs.20,000/- and Rs.15,000/- per month. The complainant has paid the amount demanded by Chief Officer Kawale while taking bill amount of October 2024. Bills of the complainant from November 2024 are pending with Daund Nagarparishad.

5] On 04/03/2025 the complainant went to officer of Daund Nagarparishad and held enquiry about his pending bills. At that time, Chief Officer Kawale

demanded Rs.25,000/- for passing bill of his wife's company as gift (illegal gratification). He also demanded Rs.10,000/- for passing supplementary bill of his wife's company. Chief Officer Kawale asked the complainant to keep the amount in green colour envelop, asked him to mention his name, month of bill on the envelop and also asked to put his seal and signature on that envelop.

6] It is further case of the complainant that, while passing every bill, Auditor of Daund Nagarparishad Smt. Bhagyashri Yelve also demand Rs.10,000/- as gift (illegal gratification). When the complainant went to Daund Nagarparishad for inquiry of his bill for the month of November on 04/03/2025, Auditor Bhagyashri Yelve demanded Rs.10,000/- for passing the bill.

7] Onkar Mense is working as Clerk in Daund Nagarparishad. He used to give information about passed bill and vouchers to the complainant. He also demanded Rs.5,000/- per bill to the complainant.

8] The complainant does not wish to give the amount claimed by Chief Officer Vijay Kawale, Auditor Bhagyashri Yelve and clerk Onkar Mense. Therefore, on 06/03/2025 he has given written complaint to Anti-Corruption Department, Pune.

9) On the basis of his complaint, the informant I.e. PSI Nita Misal has formed Pathak for verification of the allegation made by the complainant against above Government servants. Accordingly, she has verified the allegations in presence of two panch witnesses on 07/03/2025, 10/03/2025, 18/03/2025. During verification dated 07/03/2025 and 10/03/2025, she realized that Clerk Mense and Auditor Yelve demanded illegal gratification (bribe) from the complainant.

During verification dated 18/03/2025 she realized that Auditor Yelve was scared when she saw the complainant and told to the complainant that she is having suspicion that, the complainant might have made complaint to Anti- corruption Department against her. Thus, the informant realized that above Government servants may not demand and actually received the bribe money demanded by them. Therefore, on the basis of communication between the complainant and above Government servants, she has filed report against them.

10] On the basis of her report, CR No.692/2025 for the offences punishable u/Secs.7 and 7A of the Prevention of Corruption Act, 1988 came to be registered against the accused with Daund Police Station.”

4. It is the submission of Mr. Patil, learned Counsel for the Applicant that there is delay in registering the F.I.R. and the Applicant is a lady and she is 3 months into her pregnancy. It is his submission that there is no recovery at the instance of the Applicant and therefore custodial interrogation is not necessary. He further submits that the Applicant will co-operate with the investigation.

5. On the other hand, Ms. Gajre, learned APP submits that the offence is very serious. She submits that the Applicant is the Auditor of Daund Nagar Parishad. The bills of the Contractor are pending and for clearing the said bills, the demand of illegal

gratification was made by the Applicant who is the Auditor. It is submitted by Ms. Gajre, learned APP that there is conversation between the Complainant, who has filed the complaint with the Anti Corruption Bureau and the Applicant. The said conversation is recorded in voice recorder, where the Applicant has made demand. She therefore submits that there is *prima facie* evidence about the involvement of the Applicant and therefore the Anticipatory Bail Application be dismissed.

6. Perusal of the record shows that there is *prima facie* material against the Applicant. The conversation between the Complainant i.e. the Contractor, and the Applicant has been recorded which shows that the Applicant has made demand. Thus *prima facie*, there is material on record against the Applicant. Although the Applicant is a lady and she three months into her pregnancy, the offence is very serious. The Applicant was working as an Auditor of Daund Nagar Parishad and as per the prosecution case, she was seeking illegal gratification for clearing the bills.

7. The Supreme Court in the case of ***Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. State of Maharashtra***¹, has held

¹ 2025 SCC OnLine SC 1489

that the Anticipatory Bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offences. It has been further held that while called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. The said observations of the Supreme Court are squarely applicable to the present case.

8. The Supreme Court in the case of **State Rep. by the C.B.I. Vs. Anil Sharma**² has held in paragraph No. 6 as follows :

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would

² (1997) 7 SCC 187

reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

Thus, what has been held by the Supreme Court is that the custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Cr.P.C.. It has been held that for effective interrogation of a suspected person in a serious case, custodial interrogation is necessary.

9. The Applicant is the influential person as she is working as an Auditor of Daund Nagar Parishad. The allegations against the Applicant are very serious where the Applicant is seeking illegal gratification for clearing the bills of the contractor. Accordingly, no case is made out for grant of anticipatory bail.

10. The Anticipatory Bail Application is dismissed.

(MADHAV J. JAMDAR, J.)