IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1390 OF 2025
IN
CRIMINAL APPEAL NO.385 OF 2025

Ashok Anand Rokade & Ors. .... Applicants
versus
The State of Maharashtra .... Respondent
…....

- Mr. Zaid Anwar Qureshi, Advocate for Applicants.
- Mr. Pankaj P. Devkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 25th JULY, 2025

P.C. :

1. This is an application for bail pending final disposal of the Appeal preferred by the Applicants.

The Applicant No.1 Ashok Anand Rokade was the original accused No.1, the Applicant No.2 Nitin Daji Jadhav was the original accused No.2 and the Applicant No.3 Sajjad Jabbar Khan was the original accused No.3 in Special Case No.1143/2020 before the learned Special Judge, under the Prevention of Corruption Act, 1988. The learned Judge vide the Judgment and Order dated 27/03/2025 convicted the Applicants as follows :

(i) The Applicant Nos.1 and 2 were convicted for commission of the offence punishable u/s 7 of the Prevention of Corruption Act, 1988 and were sentenced to suffer rigorous imprisonment for 5 years and to pay a fine of Rs.50,000/- each and in default of payment of fine to suffer rigorous imprisonment for one year.

(ii) The Applicant Nos.1 and 2 were further convicted for commission of the offence punishable u/s 13(1)(d) r/w 13(2) of the Prevention of Corruption Act, 1988 and were sentenced to suffer rigorous imprisonment for 5 years and to pay a fine of Rs.50,000/- each and in default of payment of fine to suffer rigorous imprisonment for one year.

(iii) The Applicant No.3 was convicted for commission of the offence punishable u/s 8 of the Prevention of Corruption Act, 1988 and was sentenced to suffer rigorous imprisonment for 5 years and to pay a fine of Rs.50,000/- and in default of payment of fine to suffer rigorous imprisonment for one year.

(iv) All the substantive sentences were directed to run concurrently.

2. Heard Mr. Zaid Anwar Qureshi, learned counsel for the Applicant and Mr. Pankaj P. Devkar, learned APP for the State.

3. The Applicants were on bail during the trial. However after their conviction on 27/03/2025, they were taken in custody and till today they are in custody.

4. The prosecution case is that the complainant Mohammed Amir Zahir Shah had lodged the FIR on 15/05/2018 before the ACB, Mumbai. He was driving a taxi for his livelihood. He was also doing some social service. He was doing small jobs for needy people who required assistance in respect of their work in Government Offices. The hutments at Cotton Green were demolished by the Mumbai Municipal Corporation. Some of the affected persons approached the first informant. Therefore, to do their work, the first informant went to the office of the concerned officer from Mumbai Municipal Corporation. He was informed that the Applicant No.2 was incharge of that work. The Applicant No.1 was his personal

assistant. The first informant met him and showed him the documents related to these needy people. It is his case that for doing their work initially the Applicant Nos.1 and 2 had obtained Rs.3,00,000/-, out of which Rs.1,30,000/- were given to the accused No.3 Sajjad Khan, who was friend of the Applicant No.1. The balance amount was given to the Applicant No.1 directly. Thus, in all he had paid Rs.3,00,000/-. The Applicant No.1 gave the keys of the house and the photocopy of the allotment letter. However, the affected hutment dwellers Kismat Ali and Hadis as well as Izhar insisted for the original allotment letter. The first informant again approached the Applicant Nos.1 and 2. The Applicant No.1 demanded Rs.50,000/- for the allotment letter and for the documents they demanded Rs.4,00,000/-. But since the informant did not want to give the money, he approached the Anti-Corruption Bureau and lodged his FIR.

5. The first verification Panchanama was conducted on 11/05/2018. But both the Applicants were not present in the office. Therefore, verification could not be conducted. On

14/05/2018 again he attempted for conducting verification. But again the verification failed because the Applicants were not in the office. On 15/05/2018, when he approached the Applicant No.2, he scolded the informant and asked him to meet the Applicant No.3. According to the first informant, he then paid Rs.50,000/- to the Applicant No.3. A trap was laid and the Applicant No.3 was apprehended at the time of accepting the bribe.

6. Learned counsel for the Applicant submitted that the first informant had nothing to do with the job for which the amount was demanded and accepted. The informant had an independent transaction with the Applicant No.3 which he had admitted in his cross-examination. The informant had deliberately not mentioned about it in his complaint. The FIR itself shows that on two previous occasions an attempt to verify the demand had failed and it was only on the instructions of the Investigating Officer the informant arranged Rs.50,000/- and gave that amount to the Applicant No.3. Therefore, it is a clear case of deliberate false implication of all the Applicants. He

further invited my attention to the cross-examination wherein the informant had admitted that the Applicant No.2 had scolded him and the conversation shows that there could not be any demand on the part of either of these Applicants.

7. He further submitted that the Applicant No.1's wife is suffering from advanced stage of cancer. The Applicant No.2's sister has some issues with her mental health. The Applicant No.3's wife is not looking after his children. All of them are in serious difficulties and on humanitarian grounds also they deserve to be released on bail. He added that the maximum sentence is for 5 years and the Appeal is not likely to be decided within that period. The Applicants are already in custody since March 2025.

8. Learned APP opposed these submissions. According to him, the offence is serious. Though the informant was not directly concerned with the work, but he was helping the needy people, who were allotted the premises, but were not given allotment letters. He therefore submitted that bail may not be granted to them.

9. I have considered these submissions. Learned counsel for the Applicants invited my attention to the paragraph No.32 of the cross-examination of P.W.1, wherein he has deposed about the previous transaction between the Applicant No.3 Sajjad and P.W.1. There was some transaction during the time when P.W.1 was working as a RTO agent. Therefore, there is a reasonable possibility that the amount involved in this case was pertaining to that particular transaction.

10. Learned counsel also invited my attention to the paragraph No.39 of the cross-examination which mentions that the Applicant No.2 Nitin had scolded the informant. The conversation indicates that the Applicant No.2 was not even entertaining the first informant. In fact, he had told him not to approach him and not to bring any file.

11. All these admissions in the cross-examination in paragraph No.39 support the submissions made by the learned counsel for the Applicants.

12. In any case, the sentence imposed on the Applicants is for 5 years. The Appeal is not likely to be decided during that period. The Applicants were on bail during the trial. There are no allegations of misuse of that liberty. Therefore, I am inclined to grant bail to the Applicants during pendency of their Appeal.

13. Hence, the following order :

ORDER

(i) During pendency and final disposal of the Criminal Appeal No.385 of 2025, the Applicants are directed to be released on bail on their furnishing P.R. bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each, with one or two sureties each, in the like amount.

(ii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)