2026:BHC-NAG:6946

IN THE HIGH COURT OF JUDICATURE AT BOMBAY NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (ABA) NO. 334 OF 2026

PRAMOD RAHUL GAIKWAD
VS
THE STATE OF MAHARASHTRA THR MIDC PS DIST. AKOLA

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Shri K.U.Nikam, Advocate with S/Shri Sanket Bhalerao and Dhiraj Dhere Advocates for applicant.
Shri S.B.Bissa, APP for respondent/State.

CORAM: RAJNISH R. VYAS, J.

DATED : 04th MAY, 2026.

The parameters for granting bail are well established by the authoritative pronouncement of the Hon'ble Apex Court in various cases, including the judgments of **Siddharam Satlingappa Mhetre V/s. State of Maharashtra and ors. {2010, AIR 2011 SC 312}, Sushila Aggarwal and ors. V/s. State (NCT of Delhi) and anr. {(2020) 5 SCC 1}** and **Satyandra Kumar Antil V/s. CBI {(2022) 10 SCC 51}**. The gist of the aforesaid cases, insofar as the parameters are concerned, can be carved out as follows:-

i) A Prima facie case.
ii) Likelihood of tampering with evidence or influencing witness.
iii) Impact on society
iv) Possibility of Absconding.

2. The aforesaid parameters are though applicable to the offences under the Prevention of Corruption Act, but

the Hon'ble Apex Court in the case of **Devinder Kumar Bansal V/s. State of Punjab {2025(4) SCC 493},** has laid down some additional parameters, which are reproduced as under:-

> *"21. The parameters for grant of anticipatory bail in a serious offence like corruption are required to be satisfied. Anticipatory bail can be granted only in exceptional circumstances where the Court is prima facie of the view that the applicant has been falsely enroped in the crime or the allegations are politically motivated or are frivolous. So far as the case at hand is concerned, it cannot be said that any exceptional circumstances have been made out by the petitioner accused for grant of anticipatory bail and there is no frivolity in the prosecution.*
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> *22. In the aforesaid context, we may refer to a pronouncement in Central Bureau of Investigation v. V. Vijay Sai Reddy reported in (2013) 7 Scale 15, wherein this Court expressed thus:*
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> *"28. While granting bail, the court has to keep in mind the nature of accusation, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. It has also to be kept in mind that for the purpose of granting bail, the Legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the Court dealing with the grant of bail can only satisfy it as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not*

expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt."

(Emphasis supplied)

23. The presumption of innocence, by itself, cannot be the sole consideration for grant of anticipatory bail. The presumption of innocence is one of the considerations, which the court should keep in mind while considering the plea for anticipatory bail. The salutary rule is to balance the cause of the accused and the cause of public justice. Over solicitous homage to the accused's liberty can, sometimes, defeat the cause of public justice.

24. If liberty is to be denied to an accused to ensure corruption free society, then the courts should not hesitate in denying such liberty. Where overwhelming considerations in the nature aforesaid require denial of anticipatory bail, it has to be denied. It is altogether a different thing to say that once the investigation is over and charge-sheet is filed, the court may consider to grant regular bail to a public servant-accused of indulging in corruption."

3. Thus, while dealing with an application for grant of anticipatory bail in serious offences under the Prevention of Corruption Act, it has to be seen whether exceptional circumstances are made out, relying upon which, the Court can form its a *prima facie* opinion that the accused falsely enroped in the crime or the allegations are politically motivated or frivolous.

4. In this background, the learned counsel for the applicant has invited my attention to the First Information Report No. 270/2026, dated 14/04/2026, registered with MIDC Police Station, District Akola for commission of

offences punishable under Section 7 of the Prevention of Corruption Act, 1988 and Sections 308(2) & 351(1) of Bharatiya Nyaya Sanhita, 2023, pointing out the Column No. 3 of the FIR. The learned counsel for the applicant has stated that the occurrence of offence is from 19/03/2026 till 01/04/2026. The information was received at Police Station on 13/04/2026 at 23.55 hours, whereas the FIR was registered on 14/04/2026 at 00.49 hours on delay. The learned counsel for the applicant has contended that the FIR is a stark example of arm-twisting tactics and malafide intention. He submitted that, the applicant/sole accused in the FIR was at the relevant time working on the post of Additional Collector at Akola, and the complainant was a resident of Akola and the President of the Stone Crushers Association at Akola. He was also the owner of business, which was run under the name and style as 'Bijve Stone Crusher'.

5. He submitted that, as an Additional Collector, the applicant was duty bound to collect the revenue, more particularly, the amount of royalty from the respective crusher units. He further invited my attention to the communication dated 12/03/2026, which was issued by the Collector to all the Tahsildars of various towns. In the said communication dated 12/03/2026, the Government Resolution dated 15/09/2025 and various other orders were relied upon. In short, according to the communication dated 12/03/2026, the Government had taken a decision to recover the outstanding royalty amount of Rs. 13,000 lakh. It was directed by the Collector that the

excavation sites be visited and proper measurement also be taken. The various other guidelines were issued so that an illegal excavation can be unearth and the recovery of unpaid dues can be made.

6. He further relied upon the communication dated 16/10/2025, more particularly, a list attached thereto, and has argued that the complainant has excavated 89,723.11 Brass of stones and according to him, the complainant had not paid royalty. He also pointed out a communication dated 10/03/2026 issued by the Tahsildar, Barshitakli to the Collector, Akola and has contended that the complainant was a defaulter and since he did not pay the amount, several notices to similarly circumstanced persons were issued by the Department.

7. He also relied upon a communication dated 16/03/2026 issued by the District Mining Officer, Akola to the Mining Lease Holders/Licensees, by which, a meeting was arranged on 17/3/2026 at 12.00 noon to address the issue of deposit of regular royalty and payment advance amount. He also relied upon the subsequent communication dated 17/03/2026 with the list of the defaulters and contended that the complainant though excavated a huge quantity of the stones, but did not deposit the royalty. According to him, all the communications filed on record would reveal that due to the directions given either by the Government or his Superior Officer, the applicant was taking immediate steps for recovery of the royalty amount and for that, not only had the officers subordinate to him carried out surveys and

taken measurements, but they had also issued notices to the defaulters. He, therefore, contended that, the applicant was discharging his duty honestly.

8. According to the learned counsel for the applicant, the allegations in the FIR can be summarized by saying that the applicant had telephonically contacted the informant on 19/03/2026 from his mobile phone and demanded the amount of Rs.15,000/- from him and the amount of Rs. 5,000/- from the other members of the Association on monthly basis. The applicant threatened that if the amount is not paid, the officers would be sent to the site of stone crushing or he would visit personally and thereafter close down the unit.

9. In the FIR, it is also stated that the informant then gave an excuse that due to the financial year ending in March, it would not be possible to pay, but assured that after March, he would arrange the necessary amount, on which, the informant got angry. The informant was then asked to bring the amount at the residence of the applicant and the informant had paid Rs. 15,000/- to the applicant at his residential house. The informant when told the applicant that he would collect the amount from members and till that time they be given permission to work, the applicant asked to collect Rs. 15,000/- per month from the members. It is further alleged in the FIR that, after returning from the applicant’s residential quarters, he informed the demand made by the applicant to other members of the Association. On 20/03/2026, since the

demand was not fulfilled, the officers subordinate to the applicant visited the units of the members and started taking measurements of the sites.

10. In the FIR, it is also alleged that the present applicant along with the other staff on 21/03/2026 visited the units of some of the members and told them that the work carried out by them was illegal and the applicant would take appropriate action against them. The applicant then further asked that an amount of Rs. 15,000/- be collected from each member, otherwise an appropriate action would be taken.

11. According to the learned counsel, it is alleged in the FIR that on 29/03/2026, one of the members of the Association was called in the Tahsil Office where he was not treated properly by the applicant. It is further alleged in the FIR that the applicant had given a missed call to the informant, therefore, he called/phoned the applicant. At that time, the applicant threatened that he called informant on 4 to 5 occasions and henceforth, the informant should not visit the office. It is in this background, the criminal law was set in motion by the informant.

12. The learned counsel for the applicant has further argued that the FIR was lodged on 14/04/2026, which was preceded by one more complaint dated 03/04/2026. Relying upon the said complaint, the learned counsel argued that it was addressed to the Police Station Officer and was not submitted to the Anti-Corruption Bureau. He

then contended that there is a variance between the complaint dated 03/04/2026 and the FIR. According to him, the applicant has an unblemished service record of 18 years and therefore, his liberty may be protected.

13. Per contra, the learned APP for the State has contended that there is absolutely no variance between the complaint dated 03/04/2026 and the FIR, and if both are read harmoniously, it would reveal that there was a demand for amount by the applicant from the informant and an exchange of telephonic calls. He further contended that during the course of investigation, the Investigating Officer has collected the call details, which corroborate the version advanced in the FIR. The call details, according to him, would reveal that on 19/03/2026, there was a call from the applicant's mobile phone to the informant's mobile phone. The location of the applicant and the informant shows that they were present in the same area where the residential quarter of the applicant was situated.

14. He further argued that the conversation between the applicant and the informant was recorded by the informant on his mobile phone, and the Investigating Officer has seized the said mobile phone and prepared a transcript thereof. He further submitted that an audio recording, which was found in the mobile phone of the informant, was taken in a Pen Drive and forwarded to the Forensic Laboratory. He further submitted that there are statements of the members of Association namely, Ashwin and Vipin, who have categorically stated that the applicant had demanded the money.

15. At this stage, it is necessary to mention that the present application is for anticipatory bail. What is required to be seen, whether a *prima facie* case is made out or not. The Latin term *prima facie* means "at first sight." It cannot be ignored that the offence is under the Prevention of Corruption Act, and therefore, the parameters laid down in the case of **Devinder Kumar Bansal** (*supra*) that an exceptional case is required to be made out, are also required to be considered.

16. The informant has specifically stated that there was an initial phone call, when the informant was called in the residential quarter of the applicant, where the informant had paid an amount of Rs. 15,000/-. There was a second call, in which, the applicant has shown his anger, as his demand was not fulfilled. The conversations recorded and transcript produced *prima facie* show that the applicant was involved in the commission of crime. As regards the contention of the learned counsel for the applicant that the applicant was acting under the guidance of his superiors and, due to various communications, he had asked the subordinate officers to visit the units, suffice it to say that the defence, doesn't seem to be plausible at this stage. The applicant is already suspended from his service. The offence alleged is serious. It cannot be ignored that the corruption is spreading like a Cancer in the society. There was absolutely no reason for the Government Officer occupying a post of Additional Collector to call the defaulter telephonically and invite him to his house. Thus, a *prima facie* case is made made out

against the applicant. Hence, the Application is **rejected**.

17. Needless to mention that the observations made hereinabove are only for deciding the application for anticipatory bail.

(RAJNISH R. VYAS, J.)

B.T.K.