
(2021) 11 BOM CK 0005

In the Bombay High Court

Case No : Anticipatory Bail Application (STAMP) No.7773 Of 2021

Chandrakant Prakash Shelke

APPELLANT

Vs

State Of Maharashtra

RESPONDENT

Date of Decision : 02-11-2021

Acts Referred:

Prevention Of Corruption Act, 1988 — Section 7(A), 12

Citation : (2021) 11 BOM CK 0005

Hon'ble Judges : R.N. Laddha, J

Bench : Single Bench

Advocate : Rajendra S. Deshmukh, D. R. Deshmukh, D. R. Kale

Judgement

R. N. Laddha, J

1. Leave to add documents and correct the surname of the friend of applicant namely "Dubile" instead of "Kubile".

2 Issue notice to non-applicant, returnable on 17th November, 2021. The learned Government Pleader waives notice for the non-applicant.

3 In anticipation of arrest in Crime No.352 of 2021, registered at Paithan Police Station, District-Aurangabad, for the offences punishable under Sections 7(A) and 12 of the Prevention of Corruption Act, the present application has been filed.

4 It is the case of the prosecution that on 22nd October, 2021, the informant met the applicant in his office where the applicant told him to see one Mr. Wagh, who demanded a bribe on behalf of the applicant outside his chamber. The trap was arranged. However, the same was cancelled.

5 The learned Senior Counsel for the applicant submits that the applicant has unblemished service career of last more than 17 years to his credit. The services of the applicant have been appreciated time and again by the superiors. The learned Senior Counsel further submits that there is no iota of evidence to connect the applicant with the alleged crime. According to him, the foundation of

the report itself seems to be false. The informant's friend namely Kakasaheb has absolutely no agriculture land at village Gadhegaon, Taluka Paithan. He further submits that there was no work to be done by the applicant as he was not authorized and had no power to grant any permission, for which the alleged demand was made. The learned Senior Counsel further contended that the co-accused Wagh is not a public servant and the applicant has absolutely no concern with him and he even does not know him.

6 The learned Senior Counsel further submits that the prosecution may resist the application on the ground that voice samples of the applicant are required to be obtained and to verify the same from the proper agency and also on the ground of seizing the applicant's mobile phone which the applicant is ready and willing to comply.

7 In view of the nature of allegations, the applicant's liberty can be protected till the matter is heard on merits. Hence, the following Order:

ORDER

I. In the event of arrest of the applicant namely Chandrakant s/o Prakash Shelke in Crime No.352 of 2021, registered at Paithan Police Station, District-Aurangabad, for the offences punishable under Sections 7(A) and 12 of the Prevention of Corruption Act, he be released on interim bail on executing P. R. bond in the sum of Rs.25,000/- with one surety in the like amount;

II. The applicant shall attend the concerned police station on every Sunday between 11:00 a.m. and 02:00 p.m.; and

III. The applicant shall not tamper with the prosecution evidence.