
(2021) 11 BOM CK 0004

In the Bombay High Court

Case No : Anticipatory Bail Application (STAMP) No.7774 Of 2021

Ganesh Arjun Munde

APPELLANT

Vs

State Of Maharashtra

RESPONDENT

Date of Decision : 02-11-2021

Acts Referred:

Prevention Of Corruption Act, 1988 — Section 7

Citation : (2021) 11 BOM CK 0004

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

Bench : Single Bench

Advocate : Santosh S. Jadhavar, D. R. Kale

Judgement

R. N. Laddha, J

1. Issue notice to non-applicant, returnable on 16th November, 2021. The learned Government Pleader waives notice for the non-applicant.

2 In anticipation of arrest in Crime No.132 of 2021, registered at Yermala Police Station, District-Osmanabad, for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 the present application has been filed.

3 It is alleged that the applicant Ganesh, Assistant Police Inspector attached to Yermala Police Station demanded bribe of Rs.1,00,000/- from the complainant Vishwajit through Police Patil Sushan Jadhavar for not initiating any legal action on the basis of anonymous applications received against the first informant in respect of the death of his brother. Further, it is the case of prosecution that ACB authorities arranged the pre-trap for bribe demand verification. The first informant alongwith panch witnesses went to Yermala Police Station. The applicant demanded bribe of Rs.1,00,000/- through one Sushan Jadhavar and upon negotiation it was brought down to Rs.70,000/-. The first informant then requested to postpone the trap on 5th October, 2021 and 6th October, 2021 on the ground of his ill-health. Due to delay in fulfillment of demand of bribe, the Police Patil became alert and suspicion. He did not attend the phone call of the

first informant. The first informant then lodged report against the applicant and Police Patil Sushan Jadhavar. On the basis of which the crime was registered. The learned counsel for applicant submits that there is 50 days delay in lodging the FIR and there is no specific demand of bribe made by the accused/applicant personally nor any anonymous application is pending before the applicant. There is no need of custodial interrogation of the applicant. He submits that the investigation is based on documentary evidence and there is nothing to be recovered from the applicant.

4 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 Ganesh s/o Arjun Munde in Crime No.132 of 2021, registered at Yermala Police Station, District-Osmanabad, for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988, 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.