

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK,**  
**AT – NASHIK.**

**(Presided over by Mr. M. H. Shaikh)**

**Criminal Bail Application No.1589 of 2022**

**CNR NO.MHNS010068602022**

**Bhaurao Kalu Bacchhav**

Age : 45 years, Occu.: Service  
R/o : Flat No.4, Shree Datta Apartment,  
Plot No.6, Survey No.886, Rane Nagar,  
Nashik-422 009.

... Applicant/Accused.

**V/S**

**State of Maharashtra**

Through – D.Y.S.P., A.C.B., Nashik.  
P.I., Ambad Police Station, Nashik.  
(C. R. No.582 of 2022)

... Respondent/State.

**Appearance :**

Ld. Adv. Shri. Mandar D. Bhanose for Applicant/Accused.  
Ld. A.P.P. Smt. B. N. Petkar for Respondent/State.

**ORDER BELOW EXH. NO.1**

**(Delivered on 19<sup>th</sup> December, 2022)**

1. This is an application filed under Section 439 of Criminal Procedure Code for grant of regular bail in connection with C.R. No.I-582 of 2022 registered with the respondent Ambad Police Station for an offence punishable under Sections 7 and 13 of The Prevention of Corruption Act, 1988.

2. Read the application and the say filed by the respondent vide Exh.4. Heard Ld. Advocate for the applicant, Ld. A.P.P. for the respondent and the I.O. in person.

3. It is alleged that, acting on a complaint, crime was registered with an allegation that, applicant being the public servant and acting as a Technical Assistant with the Nashik Municipal Corporation has demanded and accepted an amount of Rs.24,000/- from the complainant as a gratification other than the legal remuneration in respect of an official act.

4. It is the case of the applicant that, he is being falsely implicated in this case and has not committed any offence. Investigation is almost completed. Applicant is the earning member of the family. Ready to abide by the conditions likely to be imposed. Therefore, prayed to allow the application.

5. Respondent objected on the grounds that, if the applicant is enlarge on bail, he may pressurize the complainant and the witnesses. Investigation is in progress. There is a possibility that, the applicant may tamper with the evidence. Therefore, prayed to reject the application.

6. Upon hearing and going through the material placed on record, what can be gathered is that, it is an allegation against the applicant that, he had demanded gratification being a public servant. The complaint came to be filed and acting upon the same, the trap was laid and the applicant was found accepting the gratification from the complainant. It is argued that, the applicant is a Technical Assistant with the Nashik Municipal Corporation and the work of complainant was to excavate the road and for that permission of Divisional Commissioner was required. It is also argued that, the work of this applicant was only to measure the road to be excavated. Perusal of the objections of the respondent reflect that, the

panchanama came to be drawn, house search of the applicant was taken. Therefore, investigation as regard the applicant is over. The grounds for rejection of bail do not appeal to this Court. The apprehension of the respondent can be taken care by imposing conditions. The applicant is in service and is permanent resident of Nashik. Considering the facts of the case, this Court finds that, the application is required to be allowed by imposing certain conditions. In the result, the application succeeds. Hence, the order.

**ORDER**

1. Criminal Bail Application No.1589 of 2022 is allowed.
2. Applicant Bhaurao Kalu Bacchhav be released on bail in connection with C.R. No.I-582 of 2022 registered with the respondent Ambad Police Station for an offence punishable under Sections 7 and 13 of The Prevention of Corruption Act, 1988, on his executing a personal bond of Rs.15,000/- with solvent surety in like amount.
3. Applicant not to threaten and pressurize the complainant and the witnesses.
4. Applicant not to tamper with the prosecution evidence.
5. Applicant not to repeat the same offence in future.
6. Applicant to appear before the I.O. at the A.C.B. Office, Nashik as and when he calls under prior written intimation and co-operate the I.O. in the investigation.
7. In above terms, the Criminal Bail Application No.1589 of 2022 stands disposed off accordingly.

Place : Nashik.  
Date : 19/12/2022

**(M. H. Shaikh)**  
Additional Sessions Judge, Nashik.