

08.03.2022
B.A. ACB
136/2022
in R.A.
226/2022

Exh-4

CORAM : H.H.J. SHRI. DEEPAK D. ALMALE, ADDITIONAL SESSIONS JUDGE (C.R. NO. 45)

APP Smt. Pawase for the State present.

IO-PI – Amol Waghmare present.

Advocate Pradip Singh for accused present and filed application for bail. O-Call say of APP.

Exh-4 - Say filed by Ld. APP.

Order Below Bail Application 136/2022

Read the say filed by the IO and APP. Heard Ld. Advocate of accused, APP. and IO. Accused is charged for commission of an offence punishable u/s 7 of Prevention of Corruption Act. According to the prosecution accused has made demand of bribe of Rs. 50,000/- for taking action against the office bearers of a co-operative Society in view of Sec. 75 (5) of Maharashtra Co-operative Society Act on the basis of complaint application filed by the complainant to accused. It is prosecutions say that on negotiation accused has agreed to accept bribe amount of Rs. 40,000/- and while accepting first installment of Rs. 20,000/- on 03.03.2022, trap was laid and accused was apprehended.

The Ld. Advocate of accused submits that, already investigation is completed and for the purpose of remaining investigation there is no need to keep the accused in to the jail. He also submits that, accused is suffering from liver damage disease, therefore considering the health of accused he be released on bail and he is ready to abide all the conditions as may be imposed by the court.

Per contra the ld. APP. and IO submits that still investigation of the case is going on and in such situation if accused is enlarged on bail he may cause obstruction in to the ongoing investigation. Therefore, the Ld. APP. & and IO prayed for dismissal of the application.

I have considered submissions of both sides. There is no doubt that accused came to be arrested on accusation demand of bribe of Rs. 40,000/- and he came to be apprehended while accepting first installment of Rs. 30,000/-. On production of accused before the court he was remanded to the police/ACB custody till 07.03.2022 and then he was taken in to the judicial custody.

Perusal of documents annexed with the application it appears that accused has certain medical history. No doubt investigation of

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the matter is still going on but this cannot be a sole ground to refuse bail if otherwise he found entitled. It is a trap case, therefore soon after trap is laid major part of the investigation comes to an end. Taking to an account nature of the offence to my mind, it would not be appropriate to keep the accused behind bar till the investigation is completed. So far grounds raised by the IO and APP. regarding obstructions in to the investigation at the hands of the accused is concern, suitable conditions can be imposed to avoid in obstruction in to the investigation. Therefore, I find that accused is the entitled for the bail subject to reasonable conditions. Hence following order is passed -

ORDER

1. BA Application No. 136/2022 is allowed.
2. Devidas Dnyandeo Kawde be released on bail on execution of PB of Rs. 30,000/- and one or two sureties of like amount.
3. Accused shall not cause any threat, promise or inducement to the prosecution witnesses and shall not hamper or tamper with evidence.
4. Accused shall attend office of ACB on every Monday in between 11.00 a.m. to 2.00 p.m. till the filing of charge-sheet and shall co-operate IO in the ongoing investigation.
5. BA Application No. 136/2022 is disposed of.
6. R.A. No. 226/2022 is disposed of.

Judge.

In view of alternate prayer made by the accused in the bail application itself accused be released on depositing provisional cash surety amount of Rs. 30,000/- on condition that accused shall furnish surety on or before 30/04/2022. Registrar (S) to accept the provisional cash bail amount after office hours.

Judge.

Authenticated copy be given to both parties.