

MHNS010053722022



**Order below Exh. 1 in
Cri. Bail Application No. 1271/2022**

(Himanshu s/o. Vijay Mishra Vs. State)

Perused application and say. Heard both the learned counsels.

2. By this application under section 439 of Cr.P.C., the accused 2 of Crime No. RC0262022A0018 registered with CBI, ACB, Mumbai for the offence punishable under section 120(B) of Indian Penal Code r/w. section 7 of the Prevention of Corruption Act, 1988 (Amended 2018), seeks bail. It is objected over nature of offence and on going investigation.

3. The learned counsel for the applicant has submitted that, in fact, investigation is over warranting no custodial interrogation.

4. The learned APP has submitted that investigation is in progress and voice samples of accused are yet to be taken.

5. On going through the record, it is conspicuous that

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the both the accused, public servant, were caught red handed while demanding and accepting Rs.63,000/- and Rs.53,000/- respectively from the complainant. On 14.10.2022, they were remanded to Judicial custody. Between the period maximum investigation has been concluded.

6. The accused is prosecuted under section 120(B) of Indian Penal Code and 7 of the Prevention of Corruption Act, 1988 (Amended 2018) for demanding and accepting bribe. The prosecution has seized amount of Rs.80000/- besides bribe amount. Having regard to the nature of offence, maximum investigation is completed. The accused is not charged for having disproportionate assets. Since the prosecution has submitted that voice samples of the accused is to be availed. For, some conditions can be levelled.

7. In view of above, applicant deserves conditional bail. Hence, the order.

ORDER

Application stands allowed as under :-

Applicant **Himanshu s/o. Vijay Mishra** be released on furnishing PR of Rs.15,000/- with one solvent surety of like amount on the following conditions :-

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- 1) Accused shall not leave India sans permission of this Court. He shall deposit passport, if availed with I.O.
- 2) He shall not tamper the prosecution witnesses.
- 3) He shall attend the office of CBI on 19.10.2022 at 11.00 a.m. on address G Block 35, Bandra Kurla Complex, CBI ACB Office, Mumbai and as and when called.

(Vikas S. Kulkarni)

Special Judge (CBI)

Nashik.

October 17, 2022