

MHCC020077882022



IN THE COURT OF HON'BLE SPECIAL JUDGE, UNDER THE  
PREVENTION OF CORRUPTION ACT, 1988, AT GR. BOMBAY

ACB BAIL APPLICATION NO. 405 OF 2022

IN

ACB REMAND APPLICATION NO. 625 OF 2022

IN

C.R. NO. 29 OF 2022

Sacchidanand Vishwanathappa Kore ... Applicant

Versus

The State of Maharashtra,  
(At the instance of ACB, Mumbai, Vide  
C.R.No.29/2022) ... Respondent

**Appearances :-**

Ld. Adv. Mr. Girish Kulkarni for the applicant/accused.

Ld. APP Ms. Geeta Nayyar for the State.

CORAM : H.H. THE SPECIAL JUDGE (ACB)  
DR. A. A. JOGLEKAR (C.R.NO.42)

DATED : 15<sup>TH</sup> JUNE, 2022

**ORDER**

By this application the applicant **Sacchidanand Vishwanathappa Kore** being accused in C.R.No. 29/2022 registered with

ACB, Mumbai Division, Mumbai, for the offences punishable under Sections 7, 7(a) of the Prevention of Corruption Act, 1988, (hereinafter referred to as, "The PC Act") seeks bail under Section 439 of the Code of Criminal Procedure, 1973 (In short, "CrPC").

**THE CASE OF PROSECUTION IN SHORT ENSUES AS UNDER;**

2. The sleuth of ACB, Mumbai was in receipt of complaint from one Imranali Rehmat Ali Shaikh who had initiated construction of his new bungalow at open plot No. 43 at Malwani, Mhada, wherein after commencement of the work, the complainant had applied for a new water connection as on dated 06.06.2022. While the complainant was on the morning walk and an individual known to him by name Salim Almelkar met him and said that he can help him for legal water connection if the complainant pays Rs.1,00,000/- against it.

3. It is further stated that, the said individual by name Almelkar stated that as the water connection would be in extra such amount is required to be paid. Thus, in this regard the complainant approached to ACB, Mumbai Office as on 07.06.2022 and tendered his handwritten complaint. Accordingly a verification was done as on 07.06.2022. During said verification the applicant/accused in the presence of panchas demanded Rs.1,00,000/- and upon trap being laid the applicant/accused accepted Rs.80,000/- from the complainant and Rs.20,000/- were told to be handed over to Salim Almelkar i.e. Accused No. 2. Accordingly, as per the prosecution the trap was successful and the applicant/accused was duly intercepted on the spot, post compliances an offence was registered against the applicant/accused and he was put under arrest.

4. Thereafter, the voice samples of the applicant/accused were taken as on 09.06.2022 and the search of residence was also carried on wherein Rs.13,50,100/- alongwith 45 grams of Gold qua receipts thereof, 12 policies etc. was found at the residence and for which no cogent explanation was given by the applicant/accused and the said amounts alongwith the investments are in the form of disproportionate assets.

5. Ld. Advocate for applicant/accused states that the applicant/accused is falesly implicated, it is further stated that the initial demand is made by the co-accused who is the private party and therefore no offence can be attributed to the applicant/accused. It is further stated that, the house search is already conducted and nothing remains to be recovered. So also the voice samples are also obtained and therefore further custody is not necessitated. It is further alleged that, considering the post trap panchnama the complainant has planted cash in the drawer of the table and therefore the Ld. Advocate for applicant/accused prayed for enlargement of the applicant/accused on bail.

6. Per contra the prosecution has filed their reply vide Exh.2 in Bail Application No. 406/2022 and pursuant to the said reply the prosecution has filed a pursis vide Exh.2 in the present bail application thereby stated that the reply filed in B.A.No. 406/2022 to be treated and read as reply in the present matter. The prosecution categorically states that, the applicant/accused is successfully apprehended and intercepted under the trap. Moreover, post trap, an amount of

Rs.13,50,100/- alongwith receipts of 45 grams of Gold and 12 policies were found and the same are under investigation. Apart from the same the said amounts are not supported with any cogent explanation from the applicant/accused during the trap proceeding. Apart from the alleged amount Rs.90,000/- were also found and again no cogent explanation is given. Considering the same the Ld. Prosecutor prayed for rejection of application.

7. Heard Ld. for the applicant/accused and Ld. APP for the State. Perused application, reply and the investigation papers.

8. The Ld. Advocate for applicant/accused has categorically stated that, the complainant himself has obtained the illegal connections and in order to waive of any such action against him has falsely implicated the applicant/accused. So also, the initial demand was not corroborated in prima-facie, therefore, the factum of acceptance of the trap are not categorically explained by the prosecution, as per the Ld. Advocate for the applicant/accused.

9. Ld. APP submits that, the applicant was held in police custody until 10.06.2022, thereafter, he is in judicial custody till date. The prosecution has stated that, further documents and evidences are yet to be collected and that the statements of witnesses are yet to be recorded with regard to disproportionate assets. In my opinion the same would constitute the separate offence. Therefore, the only apprehension of the prosecution with regard to the abscondence and collection of documents and evidences can be taken care of. It is evident that the voice samples are obtained and the search of residence

is also conducted and the tainted amount is also recovered. The applicant is a resident of Mumbai and it does not appear that there are any chances of abscondence. Therefore, as stated hereinabove the detention of the applicant/accused is not necessitated as the same can be taken care of by saddling stringent conditions on the applicant/accused. Thus, in the backdrop of the aforesaid facts, I hold that the application deserves to be allowed. Hence, order infra:-

**ORDER**

1. ACB Bail Application No. 405 of 2022 is allowed.
2. The applicant **Sacchidanand Vishwanathappa Kore** being accused in C.R.No. 29/2022 registered with ACB, Mumbai Division, Mumbai, for the offences punishable under Section 7, 7(a) of the Prevention of Corruption Act, 1988, be released on furnishing P. R. bond of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
3. The applicant **Sacchidanand Vishwanathappa Kore** and his surety shall provide their respective residential addresses, mobile numbers and email addresses, if any.
4. The applicant **Sacchidanand Vishwanathappa Kore** shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the present case to dissuade them from disclosing such facts to the Court.
5. The applicant **Sacchidanand Vishwanathappa Kore** shall not tamper with the prosecution evidence in any manner.
6. The applicant **Sacchidanand Vishwanathappa Kore** shall attend ACB, Worli, Mumbai on every Friday between 11.00 a.m. and 4.00 p.m. until filing of charge-sheet.

7. The applicant **Sacchidanand Vishwanathappa Kore** shall surrender his passport if any with the investigating officer. If the applicant doesn't have passport, he will furnish an affidavit to that effect.
8. The applicant **Sacchidanand Vishwanathappa Kore** shall not leave Maharashtra without permission of this Court.
9. ACB Bail Application No. 405 of 2022 stands disposed of accordingly.



(DR. A. A. JOGLEKAR)  
Special Judge, A.C.B.  
City Civil & Sessions Court,  
Gr. Bombay (C.R.42)

Date : 15.06.2022

Dictated on : 15.06.2022  
Transcribed on : 15.06.2022  
HHJ signed on : 15.06.2022

<b>“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”</b>		
<b>Upload Date</b>	<b>Upload Time</b>	<b>Name of Stenographer</b>
15.06.2022	05.19 p.m.	<b>Mahendrasing D. Patil (Stenographer Grade-I)</b>

<b>Name of the Judge (With Court Room No.)</b>	<b>HHJ DR. A. A. JOGLEKAR (Court Room No. 42)</b>
<b>Date of Pronouncement of JUDGMENT /ORDER</b>	15.06.2022
<b>JUDGMENT /ORDER signed by P.O. on</b>	15.06.2022
<b>JUDGMENT /ORDER uploaded on</b>	15.06.2022