



**Order below Exh.1 in Cri. Bail Application No.220/2022**  
**[Sunil Pundlik Borse V/S State]**

The present application is moved by the applicant-accused Sunil Pundlik Borse in connection with CR No.19/2022 with Peth Police Station for the offence under Section 7 of the Prevention of Corruption Act under section 438 of the Cr.P.C.

2. It is alleged in the application that, the applicant-accused is a Government servant working as a Puravatha Avval-Karkoon at Tahasil Office, Tal. Peth, Dist. Nashik. He is facing allegations of accepting bribe of Rs.5,000/- from the informant Sau. Ranjanabai Devram Mirke. The trap appeared to the successful. The applicant-accused before arrest was sent for medical examination to the Medical Officer, Gramin Rugnalaya, Peth, on his complaint of pain in the chest and difficulty in breathing and other difficulties. He had been recently undergone through the bypass surgery and therefore at present he is admitted in Pioneer Hospital, Ashoka Marg, Nashik. These and other grounds set-out that, the applicant-accused for anticipatory bail.

3. The application is opposed by the State and submitted that his voice sample is to be recorded.

4. I.O. is present. Perused the record. Heard both the Counsels.

5. Shri. Deshpande submitted that, as the trap was completed. The blood pressure of the applicant-accused was increased and he was immediately rushed for the medical treatment to the Hospital. Earlier he was operated by bypass surgery in April-2017. Therefore, he prayed to allow the anticipatory bail application on medical ground. He also stated that, at bar that the applicant-accused is at present in the Pioneer Hospital, Nashik and his treatment is going on. The I.O. submitted that after the trap the health of the applicant-accused deteriorated and therefore after consultation with his Superior Officer, he used his discretion and in order to avoid to further complication of the health of the applicant-accused, he permitted him to take medical treatment and the further process/procedure of arrest was kept in abeyance. His relatives were informed to keep him present in the Anti Corruption Bureau Office after his medical treatment. However, instead of appearing before the Anti Corruption Bureau Office, the applicant-accused has moved the present anticipatory bail application.

6. After perusing in the entire record, it appears that the applicant-accused was apprehended on the spot by laying the trap while by accepting Rs.5,000/- in cash. The trap was successful. However, considering the medical history of the applicant-accused that, he had undergone through the open heart surgery on April-2017 and therefore this is a fit case as a exceptional one to grant anticipatory bail to the applicant-accused considering his health issue. All formalities are completed at the time of trap. So far as voice sample of the applicant-accused is concerned, it can be taken without taking him into police custody. Therefore, I am inclined to allow present application. Hence, following order is passed.

**ORDER**

- 1) Application is hereby allowed.
- 2) In the event of arrest the Applicant Sunil Pundlik Borse be released on bail in connection with CR No.19/2022 with Peth Police Station for the offence under Section 7 of the Prevention of Corruption Act be enlarged on bail, on their executing personal bond of Rs.30,000/- with one or more solvent sureties in like amount.
- 3) He shall attend the concerned Anti Corruption Bureau Office, Nashik for voice sampling.
- 4) He shall co-operate to the concerned I.O. in the investigation and shall remain present as and when required by the concerned I.O. without giving any excuses on the ground of his health.
- 5) The concerned I.O. is at liberty to move this Court for cancellation of the bail of applicant-accused, if the applicant-accused failed to co-operate with him.
- 6) Inform all the concerned accordingly.

Date - 21.02.2022

**(M. A. Shinde)**  
Additional Sessions Judge-8,  
Nashik.