

CNR.NO.MHLA010036432021

Cri. Bail Appln. No.708/2021
Vitthal Muchwad Vs. State

Order below application vide Exh.1 for grant of Bail under
Section 439 of Cr.P.C.

(Passed on this 17th day of November, 2021)

1. Read the application for grant of bail and reply vide Exh.4 of the investigating officer attached to the Anti-Corruption Bureau, Latur, which is adopted by Ld. A.P.P. as his say to the bail application by filing a pursis vide Exh.5. Heard, the Ld. Advocate Shri. V. M. Naikwade for the applicant and Ld. A.P.P. Shri. B. H. Khedkar for the State.

2. On perusal of the F.I.R. and remand report, it reveal that the applicant (Headmaster) had demanded the bribe amount of Rs.19,157/- to the complainant (Asst.Teacher) towards the consideration of 19% of deposited arrears of seventh pay commission and accepted the bribe amount of Rs.19,160/- from the complainant in the office of Sharda Sadan Scheduled Caste Primary Ashram School, Nandgaon Road, Arvi on 16.11.2021. Police Station M.I.D.C., Latur has registered the Crime No.744/2021 for the offence punishable under Section 7 of Prevention of Corruption Act, 1988 against the applicant.

3. Ld. Advocate for the applicant has argued that applicant had issued the notices to the complainant for manipulating the record and not properly teaching the students in the School. The investigation is almost completed and no purpose

would be served by detaining the applicant further. He has further argued that applicant is suffering from ailments and he is ready to abide the terms & conditions by granting bail to him. Learned A.P.P. has argued as per the submissions made in the say of investigating officer.

4. On perusal of the remand papers, it appear that the applicant was arrested on 16.11.2021 and produced before the remand Court today and he has been remanded to the judicial custody, and now he is in judicial custody. Applicant is a public servant i.e. the Headmaster of Primary Ashram School. The alleged offence is punishable up to 7 years imprisonment. Investigating officer has completed the material investigation. Investigating officer has collected the voice sample of the applicant and seized the documents produced by the applicant. For recording the statements of other witnesses, to send the voice sample of the applicant to the Forensic Laboratory and to get the file from the concerned Department, the presence of the applicant is not needed. No purpose would be served by detaining the applicant further. Investigating officer will take the considerable time to file the charge-sheet. So far as the apprehension raised by the investigating officer is concerned, the same would be served if the conditions are imposed while granting the bail to the applicant.

5. Considering the facts of the case and looking to the nature of the offence, I am inclined to use my discretion to grant bail to the applicant. Applicant is entitled to get the relief of bail as

claimed. In result, instant application is liable to be allowed by imposing conditions and I proceed to pass the following order.

ORDER

1. Application vide Exh.1 of applicant for grant of bail, is hereby allowed.

2. Applicant Vitthal S/o. Vyankatrao Muchwad, R/o.Govind Vihar, Sai Road, Latur, be released on execution of P.R. Bond of Rs.15,000/- and Surety Bond of Rs.15,000/-, subject to conditions that he shall not tamper the prosecution evidence or hamper the investigation in any manner and he shall remain present before the investigating officer as and when required by him, and he shall not pressurize or threaten the complainant & witnesses in any manner, and co-operate with the I.O. during investigation, till the filing of charge-sheet.

Dated : 17.11.2021.
Latur

Sd/-
(D. P. Ragit)
Additional Sessions Judge-2 &
Special Judge,Latur