

Cri.B.A.No.236/2026

MHKO010010192026



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Common order below interim bail applications (Exhs.4)
in Cri.Bail Application Nos.236/2026 & 237/2026

Applicants/accused Nitesh Maruti Kamble and Ijaj Mahammad Shaikh have filed these applications for pre-arrest bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita in pursuance of Crime No.66/2026 registered against them under sections 7A and 12 of the Prevention of Corruption Act on 09-03-2026 at police station Gokul Shirgaon. By way of this application they prayed for relief of interim protection on the grounds mentioned in the application.

02. It is argued on behalf of the applicants that mandatory notice under section 35 of the Bharatiya Nagarik Suraksha Sanhita was not purposely issued to them by the Investigation Officer. He further submitted that the applicants are on medical leave and they are not absconding. All the documents, in which respect allegations are made against the complainant about forgery are already seized by the Investigating Officer. Immediate physical custody of the applicants is not warranted. He placed reliance on some authorities to substantiate his arguments.

03. It appears from reading the F.I.R. that Krushnat Damugade approached A.C.B. office and complained against the

applicants and A.P.I. Magdum that they demanded Rs.4 lakhs for non registration of crime against them. Accordingly, verification panchanama was made and it found that there was demand of money at the hands of applicant Nitesh Kamble and applicant Ijaj Shaikh. A trap was laid on 21-01-2026 but the trap could not be laid because A.P.I. Magdum and both the applicants did not ask for bribe money. Thus, the trap could not be laid. On the basis of this crime was registered against the applicants on 9-3-2026, wherein it is alleged that applicant Ijaj demanded Rs.4 lakh from the complainant and it was made in presence of applicant Nitesh Kamble.

04. In the matter of **Anand Gangane Vs. State of Maharashtra (2006)(2) Bom.C.R.(Cri.)271** it is observed that in a trap case the evidence is to be collected by an Investigating Officer would be the complaint received, preparation for the trap and trap itself. There is really no investigation to be carried out in such cases.

05. In the matter of **Suresh Kundlik Geete Vs. State of Maharashtra (ABA No.1354/2022, dated 24-05-2022)** prayer for pre-arrest bail was made by the applicant relate to a failed trap attempt under the Prevention of Corruption Act, resulting in an invocation of section 7 and 8 of the Prevention of Corruption Act. The case against the applicant was of demand and offence merely under section 7 of the Prevention of Corruption Act. The applicant was released on pre-arrest bail as he wished to cooperate the police and as he was a Police Officer.

06. In the matter of Aarti Shirish Kamble Vs. The State of Maharashtra (ABA No.1846/2024 dated 12-07-2024) the applicant was released on pre-arrest bail. In Crime registered under sections 7 and 7(a) of the Prevention of Corruption Act for the reasons that the applicant was willing to provide a voice sample to the Investigating Officer and surrender his mobile phone.

07. In para no.9 of the application both the applicants have specifically pleaded that they are ready to appear before the Investigation Officer and give their voice samples as well as surrender their mobiles. Both the applicants are serving in police department. There is no chance of their absconding. At this stage of the matter, they have made out case for interim relief of pre-arrest bail with conditions. In the result, following order is passed -

Order

1. Interim applications are allowed.
2. In the event of arrest of the applicants, they be released on bail subject to execution of the personal bond of Rs.25,000/- each and surety in the like amount.
3. They shall not threat the informant and witnesses, directly or indirectly and tamper with the prosecution evidence.
4. They shall appear before the Investigation Officer (ACB) in Crime No.66/2026 registered at police station, Gokulshirgaon on every alternate day between 3 & 6 p.m. till decision of this application and shall cooperate the Investigation Officer.
5. They shall handover their mobile phones and give their voice samples to the Investigating Officer.

4 Cri.Bail Appln.Nos.236 & 237/2026 (Exhs.4)

6. Copy of this order be served on the Public Prosecutor and Superintendent of Police, Kolhapur online.
7. Issue notice to the prosecution, returnable on 30-03-2026.

Date – 13/03/2026

(D.V.Kashyap)
Special (ACB) Judge, Kolhapur.