

MHRG170004472026



**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, PANVEL-
RAIGAD, AT : PANVEL
ORDER BELOW EXHIBIT NO.1
IN BAIL APPLICATION NO. 216/2026
(DATED 16/03/2026)**

The applicant Yogesh Kakaji Desai has filed present application for regular bail U/Sec.483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in Crime No.89/2026 registered with Khalapur police station for the offence punishable under section 7 of The Prevention of Corruption Act, 1988

2] In short the prosecution case is that, the de facto complainant Sujit Pandurang Munde is power of attorney holder for the land of Dayanand Bhaskar Tandel situated in plot No.5, comprised in Gat No. 25 of village Pali Bk. He approached the applicant, who is assistant engineer in MSEDCL, Tal.Khalapur, Dist.Raigad for providing estimate to install transformer having capacity of 200 KV in the above mentioned land. At that time applicant demanded bribe to the tune of Rs.1,70,000/- from de facto complainant. As de facto complainant does not want to give bribe to the applicant, he approached Anti-Corruption Bureau, Raigad on 05/03/2026.

3] After lodging the complaint the officers of ACB, Raigad verified the complaint. During verification it was revealed that the applicant had demanded bribe to the tune of Rs.1,70,000/- from the de facto complainant and after negotiation the bribe amount was reduced to Rs. 1,50,000/-. Accordingly trap was laid on 10/03/2026. The officers of ACB, Raigad caught the applicant red handed while accepting the bribe amount of Rs.1,50,000/- from de facto complainant. The informant Police Inspector, ACB Raigad, Nishant Babaso Dhanwade thereafter set the criminal law into motion by lodging detailed report with Khalapur police station. On the basis of report so lodged by informant, an offence came to be registered against applicant vide C.R.No. 89/2026 under above mentioned section.

4] Heard Ld. Advocate Shri. P. M. Thakur for the applicant and Ld. Spl.PP. Shri. Y.S.Bhopi for the opponent State. Perused application, say filed by opponent state at Exh.6 and other documents placed on record.

5] Shri. Thakur submitted that the applicant is innocent. He has been falsely implicated in the crime in question. Shri Thakur further argued that the applicant never demanded bribe from de facto complainant. Shri Thakur further submitted that the investigation is almost completed. Nothing is remained to be recovered at the instance of applicant. The maximum punishment provided for offence p/u/sec. 7 of Prevention of

Corruption Act is 07 years. In such circumstances no purpose will be served by keeping the applicant behind bars for further period. The applicant is ready to abide by the terms and conditions which may be imposed by the Court. The applicant is public servant having residence at Bhokarpada, Rasayani, Tal.Panvel, Dist.Raigad, where he has owned immovable properties. Therefore, the question of his fleeing away from the course of justice would not arise. Hence, Shri. Thakur prayed that the applicant be enlarged on the bail.

6] To substantiate his submissions, Shri Thakur placed reliance on the Judgment delivered by Hon'ble Bombay High Court, Bench at Panji in Khemlo Sakharam Sawant Vs. State, 2002 (1) Bom. C.R.689 wherein it has been observed by Hon'ble High Court that,

“observation made by Sessions Judge offence in question was serious enough and therefore, applicant ought not to be released on bail. Sessions Judge while rejecting bail application was more influenced by morality than law. Held, applicant is directed to be released on bail forthwith. Court should not get sawed by perception of morality but should confine its decision to the requirement of law. In case of offences not punishable with death or imprisonment of life grant of bail is rule and jail is an exception”.

7] Per contra, Shri. Bhopi the Ld. Spl. P.P argued that the offence is serious and antisocial. The applicant was caught red handed while accepting bribe to the tune of Rs.1,50,000/- from de facto complainant. The investigation is under way. Statements of witnesses are yet to be recorded. Considering the aforesaid circumstances and gravity of the crime in question, if applicant is enlarged on bail, definitely he will bring pressure on material witnesses. The possibility that the applicant may tamper with the evidence cannot be ruled out. Hence, Shri. Bhopi prayed that the application be rejected.

8] In order to strengthen his submissions, Shri Bhopi relied upon the Judgment delivered by Hon'ble Jammu and Kashmir High Court in Darbara Singh Vs. Ut, J & K, Bail Application No.39/2021. Wherein it has been observed by Hon'ble High Court that,

“viewed, thus, I am in agreement with the respondent that the investigation, which commenced with the registration of FIR on 29/01/2021 is at its infancy and remaining the applicant at large, at this stage, is bound to provide an opportunity to the applicant to influence course of investigation by tampering with the official records or influencing the prosecution witnesses. The respondent has found the cash and incriminating documents from the residential premises of the applicant and who knows there could be many more evidences yet to be collected by the investigating agency. 25 days is not too sufficient, a time to complete the

investigation. This Court, therefore, finds it to early for the applicant to claim bail.

9] I have carefully heard the submissions advanced by both the Ld. Advocates. I have also gone through the material placed on record. On appraisal of papers it appears that the applicant was caught raid handed while accepting bribe amount of Rs.1,50,000/- from de facto complainant. Thereafter, ACB officials completed all the requisite formalities to register the offence against the applicant. The investigation with regard to the crime in question is practically completed. Nothing is remained to be recovered at the instance of present applicant. Almost all witnesses are government servants, therefore, the question of bringing pressure on such witnesses at the hands of applicant does not arise. The applicant is languishing in jail since 10/03/2026. considering aforesaid aspects, in my view further detention of applicant in jail is not warranted. The law laid down in the case of Khemlo is squarely applicable to present case. So far as the apprehension raised by Ld.App is concerned, the same can be taken care by imposing certain conditions on applicant. Resultantly, I pass the following order.

ORDER

1. The application is allowed.
2. The applicant Yogesh Kakaji Desai shall be released on bail in C.R.No.89/2026 registered with Khalapur Police Station on his executing PR bond in the sum of Rs.50,000/- with one surety in the like amount.

3. Applicant shall attend ACB office, Raigad on every Thursday between 11.00 a.m. and 01.00 p.m. till filing of charge-sheet and make himself available for investigation as and when required by the concerned investigating officer.
4. Applicant shall not directly or indirectly make any inducement, threat and promise to any person, acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer.
5. Copy of this order be sent to concerned jail authority.

Panvel
Date :-16/03/2026

(S. R. Ugale)
Additional Sessions Judge,
Panvel.

CERTIFICATE

I affirm that, the contents of this P.D.F file judgment/ order are same, word to word, as per the original Judgment.

Name of Stenographer : S. J. Sheth Grade 1
Name of Court : District Court-1 and Additional
Session Court Panvel
Date of dictation (direct) : 16/03/2026
Order checked and singed
by PO on : 16/03/2026
Order uploaded on : 17/03/2026