

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.3424 OF 2016

Santosh s/o Babulal Chavan,
Age 46 years, Occu. Service,
R/o Plot No.6, Indranil Society,
Gut No.343/2, Pimprala Shivar,
Jalgaon, Taluka and Dist.Jalgaon

..Applicant

Versus

The State of Maharashtra,
through Police Station,
Dharangaon, Taluka Dharangaon,
District Jalgaon

..Respondent

Mr V.P. Patil, Advocate for applicant
Ms R.P. Gaur, A.P.P. for respondent

CORAM : V.K. JADHAV, J.

DATE : 22nd July 2016

PER COURT

Heard learned Counsel for the applicant and learned A.P.P. for the State.

2. The applicant is seeking pre-arrest bail in connection with Crime No.72/2016, registered at Dharangaon Police Station, District Jalgaon, for the offences punishable under Sections 420, 464, 465 and 468 of Indian Penal Code.

3. The application filed by the applicant with similar prayer came to be rejected by the Additional Sessions Judge, Jalgaon vide order dated 13.6.2016 in Anticipatory Bail Application No.365/2016.

4. On the basis of a complaint lodged by one Dnyandeo Neelvarna, Deputy Registrar of examination department, North Maharashtra

University, Jalgaon dated 19.5.2016, the aforesaid crime came to be registered. The applicant is serving in the said examination department as a Senior Clerk since 1990. The mark list of the practical examination of Second year of Science students, M.J. College, Jalgaon was kept in the custody of one Ajay Balkrishna Gholap, however, he went on leave. The present applicant was the in-charge of the said record. It is alleged in the complaint that he has tampered the said mark list and even though his son obtained 15 marks in the practical examination, the applicant has scored it as 45 marks by erasing the original marks. On the basis of these allegations, the applicant is apprehending the arrest at the hands of the Police.

5. Learned Counsel for the applicant submits that the applicant has undergone the open heart surgery. His antecedents are clear. He further submits that out of some misunderstanding, the complaint came to be lodged against the applicant. There is no record to indicate that the applicant is indulged in such types of activities in respect of marks obtained by the other students. The applicant is still in service and is not likely to be absconded and he is not the in-charge presently hence, there is no question of tampering. The applicant is ready to attend the concerned Police Station, as and when called.

6. Learned A.P.P. submits that there is a strong prima facie case against the present applicant. While the applicant was in-charge, he carried out the correction in the mark list by increasing marks of his son. However, the learned A.P.P. admits that as per the report

submitted by the Investigating Officer, applicant is not indulged in such types of activities in respect of other students.

7. It appears from the contents of the complaint that the applicant has tried to increase the marks of his son, when he was in-charge of the examination department of the University. However, he is not indulged in similar types of activities in respect of other students. Thus, by imposing certain conditions, the applicant can be released on bail. Hence, I proceed to pass the following order:

ORDER

(I) Criminal Application is hereby allowed.

(II) In the event of arrest in connection with Crime No.72/2016 registered at Dharangaon Police Station, District Jalgaon, for the offences punishable under Sections 420, 464, 465 and 468 of Indian Penal Code, the applicant Santosh s/o Babulal Chavan be released on bail, on furnishing personal bond of Rs.5,000/- with one surety of the like amount.

(III) The applicant shall not tamper with the prosecution evidence in any manner

(IV) The applicant shall make himself available, as and when called by the Investigating Officer.

(V.K, JADHAV J.)

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