

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

4 CRIMINAL APPLICATION NO. 4560 OF 2016

NITIN PRABHAKAR ANGARKHE

VERSUS

THE STATE OF MAHARASHTRA

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Mr. S.S.Kazi h/f Mr. Shamim Rashid Shaikh,
Advocate for Applicant.

Mr. A.S.Shinde, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 15th SEPTEMBER, 2016

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PER COURT :

1. The applicant/accused in Crime No. 84/2016 registered at Kalamb police station, Tq. Kalamb, Dist. Osmanabad for the offences punishable U/ss 420,465,468,471 of the Indian Penal Code and u/s 7 of the Maharashtra Prevention of Malpractice of University Examination Act, 1982 by this application is praying for pre-arrest bail.

2. Heard the learned counsel for the applicant. He argued that the applicant has passed degree examination in

Law and he is falsely implicated in the crime in question. The learned counsel argued that there is delay in lodging F.I.R. as the incident took place on 21/04/2016, but the F.I.R. was not lodged by the members of the flying squad but by the Principal of the College on 13/05/2016.

3. It is further argued that the entire evidence against the applicant is in the form of documents which are in possession of the Investigating Officer as well as Maharashtra State Technical Board.

4. The learned A.P.P. submitted that delay in lodging F.I.R. was explained by filing letter dated 03/05/2016 issued by the Dy. Secretary of the Maharashtra State Technical Board of Education, whereby the Principal of the Polytechnic College was compelled to lodge F.I.R. by pointing out his inaction and by giving warning to him. The learned A.P.P. submitted that the attendance role shows that the present applicant had appeared in the Examination on behalf of Fakir Aman Chattan for 5 papers of examination of Diploma course in engineering. The learned A.P.P. drew my attention to the forged hall ticket bearing photograph of the present applicant. My attention is also drawn to the hall ticket of student Fakir Aman Chattan bearing his photograph.

5. Perused papers of investigation including the F.I.R. lodged by the Principal of Polytechnic college. It is averred that the applicant has appeared as an examinee for Seat No. 748446 allotted to the student named Fakir Aman

Chattan. Ultimately, the Flying Squad at its visit detected the impersonation by the present applicant. The matter was reported to the Technical Board as well as to the Principal and the Centre in-charge. Subsequently, on instructions from the Board of Technical Education, the F.I.R. came to be lodged.

6. The learned counsel for the applicant made a statement before this Court that the applicant will attend the police station and will give his sample hand-writing as well as signatures for the purpose of investigation. The statement so made is accepted.

7. Though the offence alleged is very serious, considering the fact that the applicant is not having any criminal antecedents and as the interest of the Investigating Officer can be served by directing the applicant to give his sample hand-writing and signatures to the Investigating Officer for the purpose of further investigation, custodial interrogation of the applicant is not warranted and, therefore, the following order.

(i) The application is allowed.

(ii) In the event of his arrest in Crime No. 84/2016 registered at Kalamb police station, Tq. Kalamb, Dist. Osmanabad for the offences punishable U/ss 420,465,468,471 of the Indian Penal Code and u/s 7 of the Maharashtra Prevention of Malpractice of University Examination Act, 1982, applicant Nitin Prabhakar Angarkhe be released on bail on executing P.R. Bond of ₹ 20,000/- [Rupees Twenty

Thousand] and on furnishing surety in the like amount.

(iii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(iv) The applicant shall not tamper the evidence of the prosecution.

(v) The applicant shall attend the concerned police station on 21/09/2016 and 25/09/2016 in between 11.00 a.m. and 1.00 p.m. and he should give his sample handwriting and signatures to the Investigating Officer for the purpose of investigation.

(vi) The applicant shall not repeat the similar offence in future.

8. The Criminal Application stands disposed of.

[A.M.BADAR, J.]