

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

Criminal Application No. 5073 of 2016

District : Nanded

Sachin Dattatry Shrimanwar,
Age : 24 years,
Occupation : Service,
R/o. Mandvi, Taluka : Kinwat,
District : Nanded,
At present Pune.

.. Applicant.

versus

The State of Maharashtra,
Through Police Station, Mandvi,
Taluka : Kinwat,
District : Nanded.

.. Respondent.

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Mr. V.V. Bhavthankar, Advocate, for the applicant.

Mr. A.S. Shinde, Addl. Public Prosecutor, for the respondent.

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CORAM : A.M. BADAR, J.

DATE : 23RD SEPTEMBER 2016

ORAL ORDER:

Applicant - Sachin s/o. Dattatry Shrimanwar,
Clerk in Social Welfare Department, Pune, who is
accused in Crime No. 27/2016 registered with Police
Station, Mandvi, Taluka Kinwat, District Nanded, for
offences punishable under Sections 420, 419, 468,

471, read with Section 34 of the Indian Penal Code, by this application, is seeking pre-arrest bail.

2. Heard the learned Counsel appearing for the applicant / accused. He argued that the applicant has not filed online application for the post of Clerk from the place which is mentioned in the FIR. The learned Counsel argued that the applicant had filed an application from Jintur. Therefore, averments in the FIR lodged by Yogesh s/o. Dayaram Jadhav are false. The custodial interrogation of the applicant is not warranted.

3. As against this, relying on the papers of investigation, the learned Addl. Public Prosecutor opposed the application by contending that by giving the examination for recruitment through dummy candidate, the applicant has sought public employment. Therefore, the case is not fit for grant of pre-arrest bail.

4. Perused papers of investigation. The investigator has collected certificate issued by Maharashtra State Board of Technical Education as well as Maharashtra State Certificate in Information Technology (MSCIT) which are bearing photographs of the applicant. When compared with the photograph on online form of the applicant for recruitment on the post of Junior Clerk, it is obvious to the naked eyes

that these photographs are of two different persons. In the similar way, if natural signatures of the applicant, as found on his educational documents, are compared with the signature made in attendance sheet of the recruitment examination, then it is seen that the signature on the attendance sheet of the recruitment examination is totally different from natural signature of the applicant. Prima facie therefore, it appears that the examination for recruitment in public employment was given by a impostor on behalf of the present applicant. The applicant then joined the public employment on the basis of examination passed through a dummy candidate.

5. In this view of the matter, no case for anticipatory bail is made out.

6. The Application is accordingly rejected.

(A.M. BADAR)
JUDGE

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