

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

Criminal Application No. 5074 of 2016

District : Nanded

Pankaj s/o. Santosh Bawane,
Age : 32 years,
Occupation : Business,
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.*

*Mr. R.B. Ade & Mr. Deepak Chavan, Advocate, for
the original complainant.*

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CORAM : A.M. BADAR, J.

DATE : 27TH SEPTEMBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 27/2016
for offences punishable under Sections 420, 419, 468,

471, read with Section 34 of the Indian Penal Code, registered with Police Station, Mandvi, Taluka Kinwat, District Nanded, by this application, is seeking pre-arrest bail.

2. Heard the learned Counsel appearing for the applicant / accused as well as the learned Addl. Public Prosecutor and the learned Counsel for the informant.

3. The learned Addl. Public Prosecutor as well as the learned Counsel for the informant opposed the application by contending that large number of persons got public employment by indulging in cheating and forgery. It is argued that dummy candidates were made to appear in the recruitment examination and after passing that examination, several candidates got employment in various Government offices. It is further argued that the computer centre of the present applicant was used for preparing forged admit cards to enable impostors to appear for the examination.

4. Perused the FIR as well as papers of investigation. The crime in question is registered on the basis of report lodged by Yogesh s/o. Dayaram Jadhav. He averred that co-accused Prabodh @ Pramod Madhukar Rathod has cheated the State Government by preparing forged documents so as to enable impostors

to appear for examination for recruitment of employees in the State Government. It is further averred that Cyber Cafe owned by the present applicant was used for preparing forged admit cards of the candidates and particularly for preparing photographs by using the computer in that Cyber Cafe.

5. It is not in dispute that entire computers in the Cyber Cafe of the present applicant are already seized by the Police. The learned Addl. Public Prosecutor has submitted that hard discs from computers seized from the present applicant are to be sent for forensic examination. The learned Addl. Public Prosecutor is not disputing the fact that the applicant was called for interrogation and he was interrogated by Police.

6. In this view of the matter, now nothing is required to be recovered from the present applicant. The role attributed to him is to the effect that his Cyber Cafe was used by the main accused as well as co-accused for the purpose of preparing forged documents. Considering this aspect, custodial interrogation of the present applicant is now no more required. The apprehension of the informant that there is threat to his life at the instance of the present applicant can be taken care of by imposing appropriate condition.

7. Hence, I pass the following order :-

(a) The Application is allowed.

(b) In the event of arrest of the applicant / accused in the above crime, he be released on bail on his executing P.R. Bond in the sum of Rs. 25,000/- and on furnishing one or more solvent sureties of the like amount.

(c) As conditions of this order, the applicant shall abide by the following directions :-

(i) The applicant shall attend the concerned Police Station on 8th October 2016 in between 11.00 a.m. and 01.00 p.m. and thereafter as and when reasonably called by the Investigation Officer for the purpose of investigation of the crime in question. The applicant shall cooperate the Investigation Officer in investigation of the crime in question.

(ii) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(iii) The applicant shall not tamper with the prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial, in the event of filing charge-sheet, if any, in future against him.

(iv) The applicant shall not repeat commission of similar type of offences in future.

8. The Application stands disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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