

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

CRIMINAL APPLICATION NO. 5140 OF 2016

Prabodh s/o. Madhukar Rathod .. Applicant
Age. 35 years, Occ. Agriculture &
Business, R/o. Kranti Chowk,
Village Mandvi, Tq. Kinvat,
Dist. Nanded

Versus

The State of Maharashtra & Ors. .. Respondents

Mr.R.S. Deshmukh, Advocate for the applicant.
Mr.A.S. Shinde, A.P.P. for respondent/State.

CORAM : A.M. BADAR,J.

DATED : 04.10.2016

P.C. :-

1. The applicant/accused in Crime No.27 of 2016, registered with Mandvi Police station, Dist. Nanded, for the offences punishable under section 420, 419, 468, 471 read with 34 of the Indian Penal Code, by this application is seeking pre-arrest bail.

2. Heard learned Counsel for the applicant/accused. By taking me through voluminous documents annexed to the application, he argued that, in-fact, entire matter was investigated by the Anti-corruption Bureau of the State

and closure report came to be filed. The complaint against him is politically motivated. My attention is drawn to reply dated 19.12.2015 submitted by the applicant with police informing police that informant Yogesh Jadhav demanded hand-loan of Rs.1 lakh from his father and as his father has refused to oblige, false complaint in the matter of public employment is being filed by informant Yogesh Jadhav.

3. Learned Counsel for the applicant further argued that the panel headed by father of applicant has won all 13 seats of Grampanchayat of the village and the complaint against him is politically motivated.

4. Learned A.P.P. drew my attention to the statement of Arvind Takalkar recorded on 21.06.2016 and submitted that the applicant is involved in the scam of providing imposters to the candidates aspiring for public employment. By drawing my attention to the document from the office of Sub-registrar, Kinvat, learned APP submits that two persons have transferred their land to the applicant or his family members and their children got public employment. This connects the applicant to the crime in question.

5. I have also heard learned Counsel for the

informant. He submitted that the statement of witness Takalkar and rejection of anticipatory bail of one of the co-accused shows complicity of the accused in the crime in question.

6. Perused papers of investigation. In his report lodged by Yogesh Jadhav, averments are to the effect that the informant had got knowledge that the present applicant is providing imposters for appearing in the competitive examinations in the name of several candidates, by taking money from such candidates and thereby provides public employment to them after earning handsome money from them.

7. The statement of Arvind Takalkar is to the effect that he met the applicant at Nanded and the applicant requested him to appear for Comp. Engg. Services examination in place of Dnyaneshwar Kirtankar and in that process he was caught red handed. Statement of Arvind Takalkar does not show passing of money.

8. Record of investigation shows that Pralhad Rathod had transferred 153.34 sq.mtr. and 195.16 sq. mtr. land in favour of the applicant and his father by two transactions. One Dhruvas Jadhav has transferred 167.28 sq. mtr. of land in favour of brother of present

applicant. It is seen from papers of investigation that two sons of Dhruvas Jadhav came to be employed as a Clerk in the office of Collector, Jalgaon and Statistical Assistant in the office of District Statistics Office, Nanded. It is also seen that the son of Pralhad Rathod was appointed as House Keeper with Social Welfare Department, Pune. A prudent investigator would collect record of competitive examination of these candidates in order to ascertain veracity of averments in the F.I.R. which are to the effect that the present applicant used to provide imposters by forging documents. The averments are to the effect that by using computer by mixing, forged admit cards were used to be prepared by the present applicant, in order to enable imposters to give competitive examination in place of several candidates. This exercise is not done up till now nor reason for the same could not be explained by the prosecutor.

9. As against this, the documents annexed with the application shows that on the basis of complaint, enquiry was conducted by the Anti-corruption Bureau in which it was found that wealth amassed by the applicant is not disproportionate to his known source of income. Then there is reply dated 19.12.2015, which is the nature of *ante litem motam* in which the applicant has categorically mentioned that Yogesh Jadhav is lodging forged complaint

against him by indulging in forgery, because his father has not lent an amount of Rs.1 lakh to said Yogesh Jadhav.

10. In the line of what is observed by this Court, further investigation is necessary to ascertain the veracity of material against the present applicant. Therefore, I am of the opinion that liberty of present applicant on the backdrop of available material needs to be protected for a limited period in order to enable investigator to carry out further investigation in order to ascertain complicity of the applicant in the crime in question. In the result, following order :-

O R D E R

i. The application is disposed of with direction that in the event of his arrest in Crime No.27 of 2016, registered with Mandvi Police Station, Dist. Nanded, for the offences punishable under sections 420, 419, 468, 471 read with 34 of the Indian Penal Code, at the instance of Yogesh Jadhav, for a period of two months from today, the applicant be released on bail on executing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand) and on furnishing surety in like amount.

ii. 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 to the Court.

iii. The applicant shall not tamper the evidence of the prosecution.

iv. The applicant shall have liberty to move fresh application for anticipatory bail after lapse of period of two months from today, which shall be decided on its own merits.

[A.M. BADAR, J.]