

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

**917 CRIMINAL APPLICATION NO. 5291 OF 2016**

**DNYANESHWAR S/O SHALIKRAM  
DAHATONDE**

**VERSUS**

**THE STATE OF MAHARASHTRA**

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Mr. S.J.Salunke, Advocate for Applicant.

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

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**CORAM : A.M.BADAR, J.**

**DATE : 1<sup>st</sup> OCTOBER, 2016**

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**PER COURT :**

1. The applicant/accused in Crime No. 472/2016 registered at Sadar Bazar police station, Jalna, Dist. Jalna for the offences punishable u/ss 420,414 read with 34 of the Indian Penal Code, u/ss 7 and 8 of the Maharashtra Prevention of Malpractices at University, Board and Other Specified Examinations Act, 1982 and u/s 66-D of the Information Technology Act, 2000, by this application is seeking his release on bail.

2. Heard the learned counsel for the applicant. He

argued that the applicant succumbed to temptation for settling in life as seen from the F.I.R. Though the applicant is not admitting the facts stated in the F.I.R., considering the nature of offence and the circumstances in which he has allegedly committed the same, he needs to be released on bail.

3. The learned A.P.P. opposed the application by contending that the applicant has committed serious crime and he was caught red-handed while indulging in malpractices while appearing in the competitive examination for recruitment in the State services. Therefore, he prays for rejection of the present application.

4. Perused the papers of investigation including the F.I.R. lodged by Vilas Govindrao Pakhare. According to the prosecution case, on 04/09/2016, there was competitive examination for recruitment of the post of Jr. Clerk-cum-Typist. The applicant was one of the examinees in that examination. According to the prosecution case, the applicant was found using some electronic device for contacting the co-accused for seeking answers to the questions put in that examination. He was caught red-handed and the device used by him was also seized on the spot.

5. The investigation of the crime in question appears to be over *qua* the present applicant as he was caught red-handed at the time of alleged offence. Seizures are already effected.

6. In this view of the matter, I see no reason to refuse bail to the applicant. Hence, the following order.

(i) The application is allowed.

(ii) Applicant Dnyaneshwar s/o Shalikram Dahatonde in Crime No. 472/2016 registered at Sadar Bazar police station, Jalna, Dist. Jalna for the offences punishable u/ss 420,414 read with 34 of the Indian Penal Code, u/ss 7 and 8 of the Maharashtra Prevention of Malpractices at University, Board and Other Specified Examinations Act, 1982 and u/s 66-D of the Information Technology Act, 2000 be released on bail on executing P.R. Bond of Rs. 15,000/- [Rupees Fifteen 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.

**[A.M.BADAR, J.]**