

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.45 OF 2016

Mr. Santosh Raghunath Dongre & Anr. ... Applicants
Vs.
The State of Maharashtra ... Respondent

Mr. Manoj Bhatt, Adv. for the applicants.
Mr. D.P. Adsul, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 12th January, 2016.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicants apprehending their arrest in Crime No.3076 of 2015 registered at Samarth Police Station, Pune for the offences punishable under Sections 447 r/w.34 of the IPC and 5, 6 and 7 of the Maharashtra Prevention of Malpractices at University, Board and other Specified Examination Act, 1982.

2. The case of the prosecution in brief is that examination for the post of attendant was held at Zilla Parishad, Pune on 29th November, 2015 between 2 to 3.30 pm. It is stated that the applicant No.2 had taken the photographs of the question paper and sent the same on whatsapp and that the applicant No.1, who was Assistant

Supervisor had neither objected the entry of the applicant No.2 in the examination hall nor stopped him from taking the photographs of the question paper.

3. Heard Mr. Bhatt, the learned counsel for the applicant and Mr. Adsul, the learned APP for the State. I have perused the records and considered the submissions advanced by the counsels for the respective parties.

4. The records prima facie reveal that pursuant to the complaint lodged by Chief Examiner crime has been registered against the applicants under Sections 447 r/w.34 of the IPC and 5, 6 and 7 of the Maharashtra Prevention of Malpractices at University, Board and other Specified Examination Act, 1982. The offence under Section 447 of the IPC is bailable. The offences under Sections 5, 6 and 7 of the Maharashtra Prevention of Malpractices at University, Board and other Specified Examination Act, 1982 are punishable with maximum punishment of one year or with fine. Considering the nature of allegations, in my considered view, this case would not justify custodial interrogation. Even otherwise the applicants are the permanent residents of Pune and there is no possibility of applicants

absconding .

5. In view of the discussion supra, the application is allowed on the following terms and conditions.

1. In the event of the arrest of the applicants in Crime No.3076 of 2015 registered at Samarth Police Station, Pune, the applicants shall be released on bail bond of Rs.20,000/- (Rupees Twenty thousand only) with one or two sureties in the like amount to the satisfaction of the JMFC, Pune.

2. The applicants shall report to the investigating officer for 7 days from 10 am to 1 pm from the date of receipt of this order and further as and when required by the investigating officer for the purpose of the interrogation.

3. The applicants shall not leave Pune district till filing of the chargesheet without prior permission of JMFC, Pune.

(ANUJA PRABHUDESSAI, J.)