

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 146 OF 2016

(PAWANSINGH FAKIRCHAND BAHURE...VS..STATE OF MAH., THR. PSO, PS PUSAD, DIST.
YAVATMAL)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : MARCH 15, 2016.

Heard Shri Hemant Survey, advocate h/f. Shri A.R.Tichkule, advocate for the applicant and Shri S.B. Bissa, A.P.P. for the non-applicant.

The applicant is seeking pre-arrest bail for the offences punishable under Sections 188 and 419 of the Indian Penal Code and Section 7 of the Maharashtra Prevention of Malpractices at University, Board and Other Specified Examinations Act, 1982.

The accusations against the applicant are that he assisted co-accused Karansingh in writing answers in the examination conducted for the post of Talathi. The allegations are that Karansingh impersonated the co-accused Rahul who was candidate at the examination, that the applicant and the co-accused prepared false Aadhar Card on the basis of which the co-accused Karansingh appeared at the examination posing himself to be the candidate-Rahul. It is alleged that the applicant was stating answers on mobile phone to the co-accused Karansingh who used blue-tooth device.

The learned advocate for the applicant has submitted that the applicant is implicated by the co-accused only because of interse rivalry. It is further submitted that the applicant has repeatedly failed to qualify the HSSC examination and therefore, *prima-facie* it cannot be said that he is capable to assist the co-accused in writing the answers. It is further submitted that the applicant is willing to abide by any condition which may be imposed by this Court and will be co-operating with the investigation.

The learned advocate for the applicant has pointed out that the stand taken by the prosecution for opposing the application is not supported by the facts recorded in the complaint. It is submitted that the mobile phone is seized from the co-accused Karansingh.

Considering the nature of the accusations, in my view, the prayer for pre-arrest bail cannot be considered, as the matter requires investigation.

The application is **dismissed**.

CRI.APPLN.(APPP) NO. 332/2016.

In view of dismissal of the main application, the present application for grant of time to file certified copy etc. does not survive, hence, it is disposed of.

JUDGE