

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

CRIMINAL APPLICATION NO.3288 OF 2017

Amit S/o Manik Kamble ... Applicant

VERSUS

The State of Maharashtra ... Respondent

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Mr.M.L.Wankhede, advocate for the applicant.

Mr.K.N.Lokhande, A.P.P for respondent

.....

WITH

CRIMINAL APPLICATION NO.3159 OF 2017

Mangesh S/o Nathrao Mundhe ... Applicant

VERSUS

The State of Maharashtra ... Respondent

.....

Mr.B.R.Kedar, advocate for the applicant.

Mr.K.N.Lokhande, A.P.P for respondent

.....

CORAM : K.L.WADANE, J.

DATED : 7th JULY, 2017

O R D E R :

Heard learned counsel for the applicant
and the learned A.P.P. for respondent.

2. Criminal Application No.3159 of 2017 is
filed by one of the trustee of the Educational

Institution namely Sai Engineering and Technology College and Criminal Application No. 3288 of 2017 is filed by the custodian of the answer papers who is serving in the above said institution as the Professor.

3. On 17.5.2017, Rajendra Motiram Bangar, Police Sub Inspector, lodged a report to police station Aurangabad (City) alleging that on 17.5.2017 he received secret information and as per the information, he along with other police staff, visited the house of Corporator- Sitaram Isaram Sure and found that in all 27 students were writing the answer-sheets of paper of Civil Engineering of the subject "Building Construction and Drawing". Four students were standing outside the house, two persons were helping the students to write the answer-sheets. On the basis of the report lodged by P.S.I. Rajendra Bangar, an offence bearing Crime No. I-75/2017 came to be registered with Harsul Police Station, Aurangabad against the present applicants and other accused persons for the offences punishable under section

420, 107, 109, 114, 120B r.w. 34 of the Indian Penal Code and under section 3(2), 4(2), 5(2), 6 and 8 of the Maharashtra Prevention of Malractices at University Board and Other Specified Examinations Act, 1982.

4. The police officer i.e. investigating officer along with other police personnel have raided the spot and found that the students were writing the answer-sheets, which they have kept blank and the Principal and Lecturer Vijay Andhale have facilitated them by supplying blank answer papers from the custody of the Institution.

5. The bail applications of above applicants mainly opposed on the ground that the offences committed by the students with the assistance of these applicants is serious in nature. Learned A.P.P. further submits that the applicants in above applications have active role in commission of the offence.

6. I have gone through the papers of investigation, particularly, the complaint and the seizure panchnama. From the same, it appears

that, Investigating Officer Mr. Jadhav conducted the panchnama and the articles detailed in the panchnama like answer-sheets, drawing sheets, cash amount, articles required for writing the answer-sheet, mobile hand set were seized by the investigating officer.

7. Learned advocates for the applicants submit that the offence levelled against the present applicants is punishable under section 420 of the Indian Penal Code, for which seven years imprisonment is provided and for the other offences under sections 3(2), 4(2), 5(2), 6 and 8 of the Maharashtra Prevention of Malpractices at University Board and Other Specified Examinations Act, 1982 punishment of imprisonment for one year and fine to the extent of Rs. 1000/-.

8. Investigation of the crime is over. Statements of witnesses are almost recorded. Incriminating articles found on the spot were already seized. In such circumstances, considering the nature of the offences and the allegations against each of the accused, I am of the opinion

that, no further detention of the applicants is needed for the purpose of investigation. Grievance of the prosecution is that, if the applicants-accused are released on bail, they will tamper with the prosecution evidence and will not cooperate the investigation. The grievance of the prosecution may be ventilated by imposing certain conditions upon the applicants. Therefore, applicants are entitled for bail. Hence following order:

O R D E R

(i) The applicants shall be released on bail in connection with Crime No.I-75/2017, registered with Police Station, Harsul, Aurangabad, on their executing P.R. Bond of Rs. 25,000/- [Rs. Twenty five thousand only] each with one solvent surety in the like amount.

(ii) The applicants shall attend Police Station, Harsul, Aurangabad once in a week i.e. on every Sunday between 10.00 a.m. to 12.00 noon till filing of the charge-sheet.

(iii) The applicants shall not contact the prosecution witnesses and shall not tamper with the prosecution evidence in any manner and to co-operate the investigation.

9. Criminal Applications are disposed of.

(K.L.WADANE, J.)

dbm