

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 35 OF 2017

Shri Priteshkumar Pandurang Gavate ..Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Prashant Bhavake for the Applicant.
Mr.Rajan Salvi, APP for the Respondent.

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CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 27th February 2017

P.C.:

1. This application is moved by the applicant-accused for pre-arrest bail, as the applicant-accused apprehends arrest in C.R.No.289 of 2016 of Juna Rajwada Police Station, Kolhapur for offences punishable under sections 420, 468 and 471 of the Indian Penal Code and sections 7 and 8 of the Maharashtra Prevention of Malpractices at University, Board and Other Specified Examinations Act, 1982. The offence is registered at the instance of Shri Sunil Harishchandra Avtade, Joint Secretary of the Maharashtra Public Service Commission (MPSC).

2. It is the case of the prosecution that the applicant-accused, who appeared for the examination of Tax Assistants on 7th June 2015 had produced two fake admission cards.

3. The learned counsel for the applicant-accused has submitted that the application form was filled up by him through one net cafe i.e. Diyaz Net Cafe and he has paid fee of Rs. 365/- i.e. admission fee through the said net cafe. There was something wrong in the system and the payment was failed. However, he has received two admission cards from the Government. So, he appeared for the said examination. The examiner allowed his appearance on condition that he would have to produce a proof of the payment. However, on inquiry he found that his payment could not be made as admission fee. Therefore, his examination was cancelled. He submits that his custody is not required.

4. The learned prosecutor while opposing this application submits that the applicant-accused has committed wrong in the Government examination.

5. Perused the documents and the statements of the witnesses placed before me. The admission fee for the examination was Rs. 365/-. The form was not filled up by him, but he filled through net cafe. The Investigating Officer has collected the form and fake admission cards and thus, the custody of the applicant-accused is not required.

6. In view of the facts, I confirm the order of interim bail, which was earlier granted by the order dated 10th January 2017 with the same terms and conditions, except that the applicant-accused shall attend the concerned police station as and when called, till the filing of the charge-sheet.

7. Anticipatory Bail Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)