

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO.1132 OF 2017****WITH****CRIMINAL APPLICATION NO. 734 OF 2017**

Mahadev Ramchandra Deshmukh

... Applicant

vs.

The State of Maharashtra

... Respondent

.....

Mr. A. P. Mundargi, Senior Advocate i/b. Mr. S. H. Nimbalkar for the Applicant.

Mr. Gajanan M. Savagave for the Intervenor.

Mr. S. V. Gavand, APP for the State.

CORAM : T. V. NALAWADE, J.

DATE : 10.08.2017.

P.C.:

1. The Application for Anticipatory Bail is filed in C.R. No.307 of 2016 registered in Waduj Police Station District Satara, for the offences punishable under Section 420 read with Section 34 of the Indian Penal Code. Both the sides are heard.

2. The papers of investigation were made available. Copy of order made by Aurangabad Bench of this Court in Criminal Application No. 1634 of 2017 is filed on the record.

3. The first informant Sunil Danate wanted to admit his daughter Shweta in a college for MBBS course. She had appeared for 12th Standard Board Examination and also for Associate Central Examination for taking admission in private college. Accordingly complainant there was the name of Chatrapati Shivaji Education Societies Medical College Mayni in the list of Associates Central Exam. As informant is resident of Miraj he thought that it would be convenient to admit his daughter in college from Mayni as it is in the vicinity of his place. He had made application directly to this college for getting seat in SC quota.

4. Present applicant Deshmukh is the President of the said institution and Applicant No.2 is the Secretary of this institution. The 1st Informant was called to college and he was informed that his daughter was getting admission in the college. He was asked to see that the procedure was completed prior to 30th September 2014. Signatures of his daughter were obtained on some blank stamp papers. The college was started but in May 2015 when the examination time came the Hall Tickets of the students of the 1st year course were not with this college. Due to that the examination held in May 2015 could not be attended by daughter of the first informant and other similar students. It appears that due to order made by the Court in September 2015 one additional examination was held and these students were allowed to appear in that examination. Though they appeared in the examination their results are withheld. It appears that in the proceeding filed by students some orders were made by the Supreme Court and the State deposited the amount of Rs.20 crores to see that the interest of the students is protected. This amount ought to have been paid by the institution, present petitioners. The Petitioners paid only 10% of the amount and the remaining amount of Rs.17.10 crores was not deposited. Thus, due to the conduct of the present Applicant the career of 95 students is at stake and they are virtually deceived by the Applicants as per the contentions made by the informant.

5. The learned counsel for the applicant made some submissions but they are mainly on the record which was created due to the proceedings filed by some institutions. There is virtually no record of permission in respect of the college of the Applicant. The record of the affiliation and recognition needs to be there and it can be said that even when there was no such permission present applicant gave admission to 95 students. These admissions were also in breach of order made by Supreme Court.

6. The orders made by the Supreme Court in proceedings filed by students like Special Leave to Appeal No. 29645 of 2016 show that the Government showed interest and it deposited the amount of Rs.20 crores for getting some relief in favour of the students. However, it appears that even after depositing the amounts, the petition came to be dismissed as Supreme Court did not find any merits in the proceedings. It appears that the State Government virtually tried to help the present applicant and due to that some orders were made like asking the applicant to deposit the amount as penalty amount. This amount was however not paid by the present applicant. Some record was tried to created in June 2017. The applicants have dispute with other party also over the possession of the property in which the college was to be run.

7. The antecedent of the applicants are also not good. In the order made in Criminal Application No. 1634 of 2017 by Aurangabad Bench (Mahadev Deshmukh V/s. State) one incident was considered by the Court in which amount of Rs.30,00,000/- was collected for giving admission for MBBS course and present applicant No.1 Deshmukh was arrested and he was kept in jail from 8th March 2017. The order of bail was made on 7th April 2017. The record of the present matter also shows that the admissions were not given as per the centralized process, from one source. Such incidents need to be taken seriously as for making money the persons like applicant put the entire career of the students at stake and the students and their parents suffers due to such persons. Discretionary relief cannot be granted in favour of such persons. In the result the application stands rejected. Interim relief if granted earlier is vacated.

(T. V. NALAWADE, J.)