

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1509 OF 2017**

Sandeep Baban Nagare ...Applicant

Versus

The State of Maharashtra ...Respondent

**WITH
CRIMINAL BAIL APPLICATION NO. 1601 OF 2017**

Subhash Gulabrao Nirmale ...Applicant

Versus

The State of Maharashtra ...Respondent

**WITH
CRIMINAL BAIL APPLICATION NO. 1750 OF 2017**

1.	Somanath Shivaji Savvashe,	
2.	Tushar Dattatraya Ingale,	
3.	Ganesh Prakash Gaikwad,	
4.	Prasad Dnyandevrao Dhanote,	
5.	Ganesh Tukaram Narsale,	
6.	Akshay Popat Sable,	
7.	Vaibhav Aananda Wadar	...Applicants

Versus

The State of Maharashtra ...Respondent

Mr. A. P. Mundargi, Sr. Counsel i/b Mr. Nishant M. Sangle for the
Applicants in BA/1509/17

Mr. Tejas Hilage I/b Mr. Pandit Kasar for the Applicants in BA/1601/17

Mr. A. P. Mundargi, Sr. Counsel i/b Mr. Umesh H. Pawar for the Applicants in BA/1750/17

Mr. Ajay Patil, A.P.P for the Respondent-State in BA/1509/17 & BA/1750/17

Mr. R. M. Pethe, A.P.P for the Respondent-State in BA/1601/17

ACP Mr. Mukund Hatote from Crime Branch, Thane City, is present

CORAM : REVATI MOHITE DERE, J.
MONDAY, 21st AUGUST, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By these applications, the applicants seek their enlargement on bail in connection with C.R. No. 58 of 2017 registered with the Kalwa Police Station, Thane, for the alleged offences punishable under Sections 409, 420, 120(B) of the Indian Penal Code; under Section 72 of the Information Technology Act; under Sections 13(1), 13(c)(d) of the Prevention of Corruption Act and under Sections 3, 5 of the Official Secrets Act, 1923.

3. Learned Senior Counsel, appearing for the applicants in Bail Application Nos. 1509/2017 and 1750/2017, states that investigation is complete and charge-sheet is filed. He submits that the allegation as against applicant-Sandeep Nagare in Criminal Bail Application No. 1509/17 is, that he alongwith one Kiran Gamane had come to Nagpur alongwith five students and had forwarded the examination paper that was leaked and which he had received from Santosh Shinde. He submitted that as far as applicants in Bail Application No. 1750/2017 are concerned, the said applicants were found addressing the students in Goa, Pune and Nagpur.

4. Mr. Hilage, learned Counsel for the applicant in Criminal Bail Application No. 1601/2017 states that as far as Subhash Nirmale is concerned, he is also alleged to have taken students to Nagpur for helping them get the leaked papers. Both the learned Counsel further submitted that on the face of it, no offence under Sections 3 and 5 of the Official Secrets Act is disclosed *qua* any of the applicants.

5. Learned A.P.Ps opposed the applications.

6. Perused the papers. The complaint is lodged by Police Inspector - Ranvir Prakash Bayes, Crime Branch Unit-I, Thane. He has alleged that he had received the information that the question papers of Army Recruitment Examination were to be leaked and that the same were going to be handed over to the students. The said examination which was being conducted on 26th February, 2017, was for the post of General Duty, Clerk, Technician and Trade Man in Defence Force. It is alleged that the examination paper was being sold for an amount of Rs. 4,00,000/- each, and that the said amount was going to be taken from the students, after they cleared the examination. On the basis of the said secret information, raids were conducted at Nagpur, Pune and Goa, by the Crime Branch. Pursuant thereto, the aforesaid applicants were arrested.

7. Admittedly, none of the applicants are Government Servants, nor are they serving in the Defence Force. It appears from the FIR, that the paper was leaked by one Ravi Kumar, Clerk, Army Recruitment Office, Nagpur and one Dhaklu Patil, Havaladar, working in the Indian Army at Nagaland. It is alleged that the said leaked papers were sent by the

aforesaid persons to co-accused Santosh Shinde, who, thereafter, forwarded the same to the applicants, in particular, Sandeep Nagare and Subhash Nirmale. Admittedly, no money was handed over by any of the students to the applicants. The condition was that if the students passed, they have to pay cash of Rs. 2 lakhs and thereafter, get their original papers. Applicant-Sandeep Nagare was running Nashikkar Career Academy, along with one Kiran Gamane and had allegedly taken few students to Nagpur for appearing for the aforesaid examination. As far as Subhash Nirmale is concerned, he was running Captain Subhash Nirmale Career Academy, at Akola. He is also alleged to have taken the students to Nagpur for appearing for the said examination. It appears that the leaked paper was sent by Ravi Kumar with the help of Dhaklu Patil, on mobile, to Santosh Shinde, who in turn, forwarded the said paper, to Sandeep Nagare and Subhash Nirmale. As far as the applicants in Bail Application No. 1750/2017 are concerned, they have been alleged to found addressing the students when the police raided the said places at Pune, Nagpur and Goa.

8. Be that as it may, the applicants are in custody since 27th February, 2017. Investigation is complete and charge-sheet is filed. The

documents are in the custody of the police. The complainant himself is a Police Inspector of Crime Branch, Unit-I, and as such, the question of contacting/threatening him, does not arise. None of the applicants have any antecedents.

9. Considering the aforesaid, the applications are allowed and the applicants are enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- each, with one or two sureties in the like amount;
- (ii) The applicants shall attend the concerned Police Station as and when called;
- (iii) The applicants shall inform their latest places of residence and mobile contact numbers and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The applicants to cooperate with the conduct of the trial.

10. The applications are accordingly disposed of.
11. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
12. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.