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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL BAIL APPLICATION NO.2028 OF 2017

Dhanaji @Appa Mohan Jadhav	...Applicant
Versus	
The State of Maharashtra	...Respondent

***WITH
CRIMINAL BAIL APPLICATION NO.2029 OF 2017***

Ranjeet Mohan Jadhav	...Applicant
Versus	
The State of Maharashtra	...Respondent

***WITH
CRIMINAL BAIL APPLICATION NO.2030 OF 2017***

Sandip Kantilal Shitole	...Applicant
Versus	
The State of Maharashtra	...Respondent

***WITH
CRIMINAL BAIL APPLICATION NO.2036 OF 2017***

Jaykumar Shankar Belkhede	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.A.P.Mundargi, i/b Mr.U.H.Pawar, for the Applicants in all the Applications.

Ms.Veera Shinde, A.P.P for the Respondent-State.

PI – Sanju John, Crime Branch, Kalyan.

CORAM : REVATI MOHITE DERE, J.

DATE : 26th SEPTEMBER, 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 for the applicants states that investigation is complete and charge-sheet is filed. He submits that the allegation as against the applicants is, that they were found at different Examination Centres alongwith leaked question paper and answers, on

their mobiles. He submitted that similarly placed co-accused – Sandeep Baban Nagare, Subhash Gulabrao Nirmale, Somanath Shivaji Savvashe and Others have been enlarged on bail by this Court. He further submits that on the face of it, no offence under Sections 3, 5 of the Official Secrets Act, is disclosed, qua any of the applicants.

4. Learned APP opposed the applications. She submitted that applicant -Dhanaji @Appa Mohan Jadhav and applicant-Jaykumar Shankar Belkhede were running an Academy at Phaltan and Nagpur respectively. She submitted that all the applicants were present at the Examination Centres i.e. either at Pune, Nagpur and Goa and that question paper and answers were found in their mobile phones. She submitted that applicant -Jaykumar Shankar Belkhede has one antecedent of the year 2014.

5. Perused the papers. The complaint is lodged by Police Inspector – Ranvir Prakash Bayes, Crime Branch Unit-I, Thane. He has stated that he had received information that question papers of the Army Recruitment Examination were going to be leaked and that the same were going to be handed over to the students. The said examination which was to

be held on 26th February, 2017, was for the post of General Duty, Clerk, Technician and Trade Man in the Defence Force. According to the prosecution, the examination paper was being sold for an amount of Rs.4 lakhs 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.

6. Admittedly, except applicant - Ranjeet Mohan Jadhav, none of the applicants are Government Servants, nor are they serving in the Defence Force. From the perusal of the FIR, it is evident that the Examination Paper was leaked by one Ravi Kumar, Clerk, Army Recruitment Office, Nagpur and one Dhaklu Patil, Havaldar, working in the Indian Army at Nagaland. The said leaked papers were sent to several persons, who were running Academies. It appears that applicant -Dhanaji @Appa Mohan Jadhav was running an Academy at Phaltan and applicant-Jaykumar Shankar Belkhede was running an Academy in Nagpur. Admittedly, no money was handed over by any of the students to any of the applicants. The condition was that if the students passed, they would have

to pay cash of Rs.2 lakhs and thereafter their original papers would be returned to them. Similarly placed co-accused – Sandeep Nagare, who was running Nashikkar Career Academy alongwith Kiran Gamane and Subhash Nirmale, who was running an Academy at Akola have been enlarged on bail. It appears that the leaked papers were sent by Ravi Kumar, with the help of Dhaklu Patil, on mobile, to several persons, including some of the applicants. The applicants have been in custody since February, 2017. Investigation is complete and charge-sheet is filed. All the requisite documents are in the custody of the police.

7. 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 furnishing P.R. 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 place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter as well as to the concerned Police Station, in writing;

iv) The Applicants shall co-operate in the conduct of the trial.

8. The Applications are allowed and disposed of in above terms.

9. It is made clear, that the observations made herein are *prima facie* and are confined to these applications and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

10. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)