

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION(ABA) 617 OF 2017
 (Ashok Mahadeorao Wahane..vs..State of Maharashtra,
 through P.S.Ramnagar, Chandrapur and another .)

AND

CRIMINAL APPLICATION(ABA) 627 OF 2017
 (Vijay S/o Namdeobapu Khedikar..vs..State of Maharashtra,
 through P.S.Ramnagar, Chandrapur and another .)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's Orders.

Court's or Judge's orders.

Shri A.B.Moon and Shri S.P.Palshikar, Advocates for
 applicants.

Shri J.Y.Ghurde, A.P.P. for State-non-applicant.

CORAM : V.M.DESHPANDE, J.

DATED :SEPTEMBER 19, 2017

These two applications arise out of Crime No.1233/2017, registered with P.S.Ramnagar, Chandrapur, for the offence punishable under Section 13(1)(d) and 13(2) of the Prevention of Corruption Act,1988 and Sections 420 and 109 of the Indian Penal Code.

2] Heard learned counsel Shri A.B.Moon and learned counsel Shri S.P.Palshikar respectively.

3] Applicant in Criminal Application (ABA) No.617/2017 is working as Senior Scrutiny Officer and member of Scheduled Tribes Certificate Committee at Nagpur,whereas applicant in Criminal Application (ABA) No.627/2017 is working as Manager in Maharashtra State Cooperative Bank, Aurangabad. Thus, there is least possibility of the applicants not

being available to the course of justice.

4] As per the prosecution case, during the period of 2012-2013 Chandrapur District Central Cooperative Bank,Limited conducted a drive to fill up posts. In that drive 24 posts of clerk ,one post of peon and other posts were advertised. For making the selection of the candidates a committee was constituted . Both these applicants were the members of the said selection committee. According to F.I.R. itself,A.C.B.Chandrapur has conducted open enquiry. During the said enquiry of A.C.B.Chandrapur the statements of persons who were selected were recorded, so also the persons who were placed in the waiting list were also recorded. The F.I.R. also shows that the record is also seized. According to F.I.R. the selection committee has manipulated the selection process and has given more marks to the inelligible candidates and thereby has committed the offence.

5] The applications are opposed by the learned A.P.P. for the State and submitted that custody of the present applicants is necessary for obtaining handwriting specimens of the applicants and further interrogation and investigation.

6] It is not in dispute that entire record is already seized and is in the custody of the investigating officer. The offence is of 2012-2013. Further, even according to the prosecution the custody is required for obtaining handwriting specimens of the applicants and for interrogation. The said purpose of the prosecution can be taken care of by directing the applicants to attend the investigating officer. Hence, order.

ORDER

- I) Criminal Applications Nos. 617/2017 and 627/2017 are allowed.
- II) In the event of arrest of Applicants Ashok S/o Mahadeorao Wahane (Criminal Application No. 617/2017) and Vijay S/o Namdeobapu Khedikar (Criminal Application No. 627/2017) in Crime No.1233/2017, registered with P.S.Ramnagar, Chandrapur, for the offence punishable under Section 13(1)(d) and 13(2) of the Prevention of Corruption Act,1988 and Sections 420 and 109 of the Indian Penal Code they be released on bail on they executing P.R. of Rs. 25000/- by each of them with two solvent sureties in the like amount by each of them.
- III) The applicants shall attend Office of A.C.B.Chandrapur on 22/9/2017,23/9/2017 and 24/9/2017 and shall be with the investigating officer from 11.00 a.m. to 5.00 p.m.
- IV) The applicants are also directed to attend the office of A.C.B.Chandrapur on 27/9/2017,28/9/2017 and 29/9/2017 and shall be in the office of A.C.B.Chandrapur from 11.00 a.m. to 5.00 p.m.
- V) Thereafter the applicants shall attend the office of A.C.B.Chandrapur once in a month till filing of the chargesheet and shall be with the investigating officer from 11.00 a.m. to 5.00 p.m. on Saturday of each month.

- VI) The applicants shall extend full cooperation to the investigating officer.
- VII) The investigating officer is expected to complete all his investigation and it shall be open for the office of A.C.B.Chandrapur to obtain handwriting specimens of the applicants.

The applications are allowed and disposed of .

JUDGE

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