

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.692 OF 2017

(Ganesh Girdhar Abhang ..vs..State of Maharashtra, through
Dy.S.P.A.C.B.Office,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 N.S.Khandewale, Advocate for applicant.
Shri J.Y.Ghurde, A.P.P. for State-non-applicant.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 29, 2017

This is an application for pre-arrest bail.

2] Heard learned counsel for applicant and
learned A.P.P. for State-non-applicant.

3] The applicant is apprehending his arrest in
connection with Crime No. 1233/2017, registered with
P.S. Ramnagar, Chandrapur, for the offence punishable
under Sections 13(1)(d), 13(2) of the Prevention of
Corruption Act, 1988 and under Sections 420 and 109 of
the Indian Penal Code.

4] The applicant is working as Programme
Manager of Maharashtra Knowledge Corporation
Limited (MKCL), Pune. Thus, there is a least possibility
that the applicant will not be available to the course of
justice.

5] As per the prosecution case, during the period
2012-2013 Chandrapur District Central Cooperative
Bank, Limited conducted a drive to fill up post.

Accordingly same was done. In that drive 24 posts of clerk, one post of peon and other posts were advertised. In that drive the responsibility was casted upon the MKCL,Pune to hold and conduct the examination. For selecting the successful candidates a committee was constituted. The present applicant is not the member of the said selection committee. According to F.I.R. ACB, Chandrapur conducted open inquiry. During the said inquiry, statements of the persons who were selected were recorded,so also the persons who were placed in waiting list were also recorded. The F.I.R. shows that the entire record is seized. As per the prosecution case, the selection committee has manipulated the selection process and has given more marks to ineligible candidates. It is not in dispute that entire record is already seized and is in custody of the investigating officer. The custody of the present applicant is claimed by the prosecution to ascertain whether other staff of MKCL.Pune is involved or not. This Court has already granted anticipatory bail in favour of the two persons who were the members of the selection committee. Thus, the applicants who were having more grave role than the present applicant are already released on bail by this Court. Therefore, the present applicant is also entitled for release on bail. Hence, order.

ORDER

- I) Application is allowed.
 - II) In the event of arrest of applicant Ganesh S/o Girdhar Abhang in Crime No. 1233/2017, registered with P.S.Ramnagar, Chandrapur, for the offence punishable under Sections 13(1)(d),13(2) of the Prevention of Corruption Act,1988 and under Sections 420 and 109 of the Indian Penal Code, he shall be released on bail on he executing P.B. of Rs. 25,000/- alongwith two solvent sureties in the like amount .
 - III) The applicants shall attend office of A.C.B.Chandrapur on 4/10/2017,5/10/2017 and 6/10/2017 and shall with the investigating officer from 11.00 a.m. to 5.00 p.m.
 - IV) The applicant shall strictly follow the aforesaid condition.
 - V) If it is noticed by the non-applicant that applicant has flouted directions given by this Court, the investigating officer will be at liberty to file the application for cancellation of bail.
- Application is disposed of.

JUDGE