

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

ANTICIPATORY BAIL APPLICATION No. 966 OF 2018

Mr. Tejas Rajendra Nemade

...Applicant

Vs.

The State of Maharashtra

through P.I. Wanawadi Police Station, Pune

...Respondent

Mr. J. Shekhar a/w. Akshay Kapadia i/b. M.B. Zanwar for Applicant

Mr. Rajan Salvi -APP for the State-Respondent

Mr. Umesh A. Tavaskar, P.I. (Crime), Wanawadi, P.S. Pune- present in the Court.

CORAM : SMT. BHARATI H. DANGRE , J.

DATE: MAY 11, 2018

VACATION COURT.

P.C.

1. The present application filed for anticipatory bail also assails the order passed by the Sessions Court, Pune on 5.5.2018. By the said order, the request made for interim anticipatory bail on account of ensuing examination of the Applicant came to be rejected. The Sessions Court has recorded a finding that the allegations against Applicant being serious in nature, do not deserve for any sympathy and specifically when the investigation is at the initial stage.

On the last date of hearing, the Court had directed the learned APP to collect the information from the investigating officer as to ascertain the

actual role played by the Applicant in the whole alleged offence. The learned APP filed a reply after taking instructions from the investigating officer, who investigate the said case being C.R. No. 174 of 2018.

From the perusal of the affidavit, it has appeared that the C.R. involves and alleges serious nature of offences under the provisions of section 420, 465, 468, 471, 120 B r/w. 34 of the Indian Penal Code. The complaint is about manipulation of OMR (i.e. optical mark recognition) sheets in the recruitment of the SRPF – Group II for filling of the post of the arm police personnel. The work of conducting examination was given on contract to M/s. E.T.H. Ltd. It is specifically alleged in the complaint that it is the Representative of the E.T.H., who in connivance of the present Applicant, had manipulated the OMR sheets to suit the candidates for financial consideration.

2. No doubt, the offence alleged is serious in nature and it apparent that the entire exercise was carried out with an intention of monetary consideration by hatching conspiracy. It is a specific case of the Applicant that he is a relative of one Pravin Bhatkar, who is an authorized person, appointed by M/s. E.T.H. Ltd. to carry out the job work of checking of the answer sheets in the form of OMR by scanning. The case of the Applicant is that since Shri Bhatkar seeks unwell, he had accompanied him at the place where the checking and scanning of the OMR was undertaken. On perusal of the reply filed by the learned APP, serious role was attributed to the

Applicant.

3. At present, the Applicant is only aggrieved by the fact of rejection of his interim relief, since he moved an application and prayed that he is student of Engineering and he is undergoing his semester examination which commenced from 2.5.2018 to 25.5.2018. He had approached the Court with a limited relief that he may be granted interim protection and he should not be arrested during the said period so that he can appear for the said examination. However, the said request is declined by the Sessions Court.

4. Considering the peculiar facts and circumstances of the case and the fact that the Applicant is a student and there is no prohibition on the investigating agency to carry out custodial interrogation after the said dates are over since according to the learned APP only two persons, who are concerned with the said crime, have been arrested till the investigation is at early stage.

5. In such circumstances, it is directed that in the event of arrest, the Applicant be released on bail on executing a PR. Bond of Rs. 25,000/- and on furnishing a solvent surety of like amount. The said protection would continue till 28.5.2018.

The learned counsel for the Applicant makes a statement that on 28.5.2018 he would argue the main application for anticipatory bail, which Court is at liberty to decide on its own merits.

This Court has not expressed any opinion on merits of the case of prosecution. The Sessions Court shall not be influenced by any observation made by this Court and decide the application on its own merits and in accordance with law.

The learned counsel for the Applicant would make a request to fix the matter on 28.5.2018.

The present application is disposed of.

[BHARATI H. DANGRE, J.]