

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

ANTICIPATORY BAIL APPLICATION NO.1343 OF 2018

Tejas Rajendra Nemade Applicant
 Vs.
The State of Maharashtra Respondent

Mr.P.G. Sarda I/by Mr.Mahesh B. Zanwar for the Applicant.
Mr.Prashant Jadhav APP for the State.
Mr.Tasgaonkar, API,Crime Branch, Unit-5, Hadapsar.

Coram : ***Smt. Sadhana S. Jadhav, J.***
Date : ***2nd August 2018***

P.C.:

1 Heard the learned counsel for the applicant and the learned
APP.

2 This is an application under Section 438 Code of Criminal
Procedure. The applicant herein is apprehending his arrest in Crime
No.174 of 2018, registered at Wanawadi Police Station, for the offences
punishable under Section 420, 465, 468, 471, 120B read with 34 of the
Indian Penal code

3 It is the case of the prosecution that the applicant herein

happens to be the brother-in-law of one Pravin Bhatkar(absconding accused) . That, the police department had conducted examination for the 83 posts of Police Constables during the period from 12th March 2018 to 21st April 2018. The papers of the written examination were to be corrected from 21st April 2018. The work of correction of papers was given to M/s. ATH Ltd., Bavdhan, Pune, of which Pravin Bhatkar happens to be the Proprietor. On the date of correction of examination papers, on the instructions of the Recruitment officer the sealed examination papers were taken to the open ground. The whole procedure of unsealing the papers was video-graphed. The examination concluded by 11.00 a.m. The police ground was made available for the process of scanning at about 11.00 a.m. After 11.00 a.m. the work of scanning has started. There were five persons from M/s. ATH Ltd. and there were more than six police persons on the spot. That, one Bhushan Deulkar, Tejas Nemade i.e. the present applicant, Shirish Avadhut (arrested accused), Swapnil Salunkhe had accompanied. Thereafter, the persons accompanying Pravin Bhatkar and he himself had complained that it is not possible to scan papers since there was a seal on the first page.

were removed. The applicant who happens to be a student of Engineering was doing the work of scanning and correction of papers. He was meeting civil people outside and was returning to the hall where the papers were being corrected. On 27th April 2018 the results were to be declared.

5 Mr.Pradeep Bhatkar is still absconding. It is pertinent to note here that the Recruitment Officer who had issued directions about the entire procedure, has not been shown as an accused for the reasons best known to the investigating agency. Some of the accused are arrested in the crime, which is registered at Nanded.

6 The learned APP upon instructions submits that four accused persons are absconding. It appears that the investigating machinery has safeguarded the interest of the recruitment officer .

7 The learned counsel for the applicant submits that the applicant is being arraigned as an accused only because he happens to be the brother-in-law of the accused Pravin Bhatkar. Upon perusal of papers of investigation, this submission would hold no good ground.

8 The learned APP submits that initially the investigation was with Wanawadi Police Station. Now the said case is being investigated by Crime Branch. There is ample material on record to indicate that the present applicant had played an active role in the process of scanning and correction of papers although he was not authorized to do the same.

9 In view of the above circumstances, the application being sans merit stands rejected.

(Smt. Sadhana S. Jadhav, J)