

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

944 ANTICIPATORY BAIL APPLICATION NO. 799 OF 2020

Prakash S/o. Raju Patil,
Age. 22 years, Occ. Education,
R/o.State Bank of India, Bhosari,
Near Jay Maharashtra Chowk,
Alandi Road, Bhosari, Pune.

...Applicant.

Versus

The State of Maharashtra.

...Respondent.

Advocate for Applicant : Mr. S.S. Gangakhedkar.
APP for Respondent : Mr. S.B. Narwade.

CORAM : MANGESH S. PATIL, J.
DATE : 05.11.2020

Per Court :

The applicant is apprehending his arrest in connection with Crime No. 45/2020, registered with Paradh Police Station, District Jalna, for the offences punishable under Sections 7, 8 and 9 of the Maharashtra Prevention of Malpractices At University, Board And Other Specified Examination Act, 1982.

2. It is alleged that the applicant was to appear for the 10th standard examination. However, the co-accused in connivance with him appeared in his place and was caught red handed.

3. Learned Advocate Mr. Gangakhedkar for the applicant submits that accepting the allegations at their face value there remains nothing to be discovered or recovered so that custodial interrogation of the applicant would be necessary.

4. The learned Advocate further points out that the offence punishable under Section 8 read with Section 7 would only attract punishment of imprisonment up to six months and some fine. Considering the educational prospect of the applicant and the quantum of punishment likely to be imposed coupled with the fact that nothing is to be recovered or discovered, the applicant may be granted anticipatory bail.

5. Learned APP opposes the application. He submits that the offence is serious. Apart from the provisions of the Maharashtra Malpractices Act, various graver offences from the Indian Penal Code would also be attracted in as much as it would be a matter of cheating by impersonation, forgery, etc.

6. It is a matter of record that the co-accused was caught red handed while appearing for examination in place of the applicant. Obviously, it is not necessary to stretch imagination to infer that the co-accused must have acted

in collusion with the applicant.

7. By virtue of Section 9 of the Malpractices Act, the legislature has consciously made the offences punishable under Section 7 and 8 to be non-bailable albeit the punishment is lesser. In all probabilities, the intention of legislature must be to deter the possible offenders.

8. Since involvement of the applicant in commission of the crime is quite apparent and there is also a possibility of his implication under the graver offences under the Indian Penal Code, in my considered view, the application is liable to be rejected.

9. The application is rejected. The observations made herein are confined the decision of this application.

(MANGESH S. PATIL, J.)