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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1144 OF 2021

Sultan s/o Salemiyan Barabba = APPLICANT

VERSUS

The State of Maharashtra = RESPONDENT

Mr.HI Pathan,Advocate for Applicant;

Mrs.Vaishali Patil-Jadhav, APP for Respondent-
State.

CORAM : SMT.VIBHA KANKANWADI,J.

RESERVED ON : 10/12/2021

PRONOUNCED ON : 23/12/2021

PER COURT :-

1. This is an application filed under Section 439 of Cr.P.C, seeking regular bail in connection with Crime No.27 of 2016 registered with Mandavi police station, District Nanded, for the offences punishable under Sections 167, 171, 193, 197, 198, 201, 203, 213, 214, 218, 221, 420, 419, 467, 468, 471, 120(B), 34 of I.P.C and under Section 13(1)(a), 13(1)(d), 13(2) and 8 of Prevention of Corruption Act, 1988. His application below Exh.210 in Special (ACB) Case No.14 of 2019 with similar prayer came to be rejected by the

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learned Additional Sessions Judge-2, Nanded vide order dated 5.8.2021.

2. Learned Advocate for the applicant submits that the applicant is in jail since 8.1.2018, i.e. for about three years eight months in connection with the alleged crime. It is next submitted that the main accused viz. Prabodh Rathod has been enlarged on bail by the Hon'ble Supreme Court vide order dated 13th July, 2021 in Criminal Appeal No.598/2021 arising out of SLP(Cri.) No. 3733/2021. Similarly, one of the accused by name Somnath Abhangrao Parve Patil has also been released on bail on the ground of parity by this Court vide Bail Application No.662/2021 vide order dated 6.9.2021.

3. It is the case of the prosecution that one Yogesh Dayaram Jadhav resident of village Mandvi, Tq. Kinwat District Nanded filed a complaint dt. 28.7.2016, alleging that when he was preparing for State Competitive examination, he came to know that one Prabodh @ Pramod Madhukar Rathod from his village is managing to get

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government job for class-II, III and IV posts and by forging examination forms with the help of computer mixing technique and uploading photos of dummy candidates, prepared forged examination hall ticket and arranging dummy candidates for examination in place of original candidates and committed cheating by impersonation. It is further alleged that the applicant has obtained hall ticket of one Sachin Datta Shrimanwar, who was appointed as Clerk in the Office of Commissioner, Social Welfare, Pune and it was found that the hall ticket of said person got prepared by forgery and upon inquiry, it is revealed that said Sachin and Prabodh Rathod alleged to have prepared forged document from the computer and dummy candidates have appeared the examination and obtained government job and thus cheated the Government.

4. The learned APP strongly resisted the application and submitted that there is prima facie strong evidence against the applicant. Learned APP further submits that the Hon'ble Apex Court has released the co-accused viz. Prabodh Rathod on bail though he is a mastermind, as there was delay in

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the trial. It is further submitted that though co-accused Somnath Parve Patil is released on bail by this Court, however, his case is different than the present case. The learned APP further submitted that the present applicant, by using the hall ticket of other candidate had appeared in the competitive examination as a dummy candidate in order to secure job in Government department for other candidate for his monetary benefit. He has prepared bogus and fake signatures. He has caused the original panchanama to disappear and has destroyed the evidence. He was in the Government service earlier on the post of Sub-Inspector and because of his involvement in the alleged crime, he has been dismissed from service. Further the applicant has prepared fake panchanamas of obtaining specimen signatures. This applicant was in constant contact with other accused as is evidence from the CDR details. Further, though the investigation was done in a limited way earlier; yet it has been now transpired that the present applicant along with co-accused – Dinesh Sonaskar, who was earlier Investigating Officer and Yogesh Panchwatkar, who was the Hand-writing expert in

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Forensic Science Lab, Aurangabad, had obtained the signatures of real and dummy candidates on specimen signature forms and after destroying the original documents, in order to obtain favourable reports from the Hand-writing expert, they have fabricated the evidence. If the police official himself gets involved in the commission of the crime, then it would lead to anarchy. Consequently, the learned APP prayed for rejection of the application.

5. It is to be noted that the main accused and who is alleged to be a master mind in the crime, viz. Prabodh Rathod, has been enlarged on bail by the Hon'ble Supreme Court vide order dated 13th July, 2021 in Criminal Appeal No.598/2021 arising out of SLP(Cri.) No.3733/2021. Similarly, one of the accused in the alleged crime by name Somnath Abhangrao Parve Patil has also been released on bail on the ground of parity by this Court vide Bail Application no.662/2021 vide order dated 6.9.2021. Under such circumstance, the applicant deserves to be released on bail subject to certain conditions. Hence, following order, -

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ORDER

I. The Application is hereby allowed.

II. The applicant be released on bail in connection with crime No.27 of 2016 registered with Mandavi police station, District Nanded, (Special (ACB) Case No.14 of 2019) for the offences punishable under Sections 167, 171, 193, 197, 198, 201, 203, 213, 214, 218, 221, 420, 419, 467, 468, 471, 120(B), 34 of I.P.C. and under Section 13(1)(a), 13(1)(d), 13(2) and 8 of Prevention of Corruption Act, 1988, on his furnishing personal bond of Rs.20,000/- with one solvent surety of the like amount on following conditions:-

- a) The applicant shall not indulge in any criminal activity nor shall tamper with the prosecution evidence in any manner.

III. The Application is disposed of.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV