

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

ANTICIPATORY BAIL APPLICATION NO.1089 OF 2022

**PRIYA
RAJESH
SOPARKAR**

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PRIYA RAJESH
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Date: 2022.04.26
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Santosh Janardhan Chankhore

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.Sahish Talekar alongwith Ms.Madhavi Ayappan i/by M/s Talekar and Associates, Advocates for the Applicant.

Mr.R.M.Pethe, APP for the Respondent/State.

Mr.Ankush Chintaman, PI, Cyber Police Station, Pune City present.

CORAM : VINAY JOSHI, J.

DATE : 25th APRIL, 2022.

P.C.:-

1. The applicant is seeking pre-arrest bail in Crime No.55 of 2021 for the offence punishable under Sections 406, 120B and 409 of the Indian Penal Code and Sections 3,5,6 and 8 of the Maharashtra Prevention of Malpractices at Universities Board and other specified Examinations Act, 1982.

2. The bail is claimed on the ground of innocence, false implication, total inadequacy of evidence etc. It is pointed out that in all four similar crimes were registered against the applicant on the basis of statement of co-accused. It is pointed out that in all other offences the applicant was protected. The State resisted bail by contending that the applicant was in constant touch with other co-accused. The applicant is a part of racket who used to bring the customers.

3. It is the prosecution case that group A,B and C examination of MHADA were scheduled to be held on 12th December, 2021. A

private agency was appointed for conducting examination. Co-accused Prithvi Deshmukh had in possession of examination papers. It is alleged that the applicant facilitated to leak the papers. It is not disputed that the said examination was later on cancelled. The applicant's name is not mentioned in FIR. It reveals from the statement of co-accused recorded in another crime, that applicant was involved. The prosecution has pointed out statement of one Ajay Chavan recorded in Crime No.53 of 2021 who says that the applicant was facilitating the said activity. The learned Prosecutor has pointed out one graphical chart to indicate that the applicant was in contact with other accused.

4. It reveals that similar allegations were against the applicant in Crime No.53 of 2021 in which he has been protected by Sessions Court vide order dated 5th March, 2020. Likewise, he has also been protected in Crime No.60 of 2021. At present, besides a statement of co-accused there is nothing against applicant. He was in contact of his son who is co-accused which cannot be taken adverse. No statements are pointed to say that the applicant has either distributed the question paper or collected money. Having regard to the nature of material collected during the course of investigation, the applicant's liberty can be protected, hence following order:-

- a) The Application stands allowed.
- b) In the event of arrest, the Applicant/Accused namely - Santosh Janardhan Chankhore in Crime No.55 of 2021 for the offence punishable under Sections 406, 120B and 409 of the Indian Penal Code and Sections 3,5,6 and 8 of the Maharashtra Prevention of Malpractices at Universities Board and other specified Examinations Act, 1982, he be released on bail on his furnishing P.R. bond of

Rs.25,000/- with one or two sureties in the like amount.

(c) The applicant shall attend the concerned Police Station on every Sunday in between 10.00 a.m. to 12.00 noon to facilitate the investigation till filing of charge-sheet or 90 days whichever is earlier.

(d) If applicant fails to attend police station, it will give rise to the prosecution to move this court for cancellation.

(e) The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the prosecution evidence.

(f) The Application stands disposed in above terms.

(VINAY JOSHI, J.)

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