

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

VAISHALI
ANIL
TIKAM

ANTICIPATORY BAIL APPLICATION No. 1516 OF 2022

Digitally signed
by VAISHALI
ANIL TIKAM
Date: 2022.06.10
14:46:37 +0530

Jeevan Sahurao Sanap**...Applicant****Vs.****State of Maharashtra****...Respondent**

* * * *

Mr. Abhishek Yende for Applicant**Mr. N.B. Patil, APP for State/Respondent****Coram : Sandeep K. Shinde, J.****Dated: 9th JUNE, 2022.****P.C. :**

1. Apprehending the arrest in Crime No. 60/21 registered with Cyber Police Station, Pune for the offences punishable under Sections 420, 406, 34 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, the Applicant seeks pre-arrest bail.

2. Prosecution case is that Applicant is State Employee. Probe into a paper leak of recruitment process of Group C, employees in the Health Department led to registration of crime in question

against sixteen Public Servants. Chain of events suggest that Mahesh Botle (Joint Direction -non technical), a government servant and a member of paper setting committee, allegedly copied paper on a pen drive and leaked it, for monetary gains. In house search of co-accused Nisht Gaikwad, besides other incriminating material, a diary was seized. The diary contains the names of about 12 persons, including the applicant. That apart, statements Mr. Ghuge, and Mr. Gonde both examinees reveals that, both had received call on their mobile. Caller, disclosed his identity to them, as Jeevan Sanap (applicant). Applicant allegedly assured to give examination papers, a day before, the scheduled date, for consideration of Rs. 12-15 Lacs. That apart, Applicant's brother, is co-accused in the Crime No.53/21 with similar kind of allegations, but in another examination. Additionally, herein although the Applicant claimed to be "Poor-Health worker", a vehicle owned by him was recovered from the custody of his brother-in-law, wherein official Rubber stamp of the health officer Dr. Mirza Beg was found. When confronted with the material, counsel could not explain as to how and why official Rubber Stamp of Health Officer, was found in a car.

3. Taking overall view of the matter and having regard to the evidence surfaced in the investigation and gravity of the accusation, in my view, it is not fit case to grant pre-arrest bail the applicant. Application is rejected.

4. It is made clear that observations made hereinabove be construed as expression of opinion for the purpose of bail only and the same shall not in any way influence the trial in other proceedings.

(Sandeep K. Shinde, J.)