

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2271 OF 2022

Narendra Narayanrao Naik .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr.R.S.Nayak for the Applicant.

Mr.S.H.Yadav, A.P.P. for the State/Respondent.

Mr.A.M.Khamkar, PSI attached to Shivaji Nagar Police Station,
present.

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CORAM: BHARATI DANGRE, J.
DATED : 18th NOVEMBER, 2022

P.C:-

1. Heard the learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant came to be arrested on 28/02/2022 and is facing charge under Sections 193, 197, 198, 203, 419, 420, 467, 468, 471, 120-B read with Section 34 of IPC. On his bail application being rejected on an earlier occasion, he has approached this Court primarily submitting that on the investigation being complete and the charge-sheet having been filed, his further incarceration becomes unnecessary. It is

further submitted that accused Nos.1 and 2 are already released on bail by the Sessions Court, but his application was rejected only on the ground that he was absconding for a period of two years after the registration of crime against him.

3. With the able assistance of the learned counsel for the applicant, I have perused the material compiled in the charge-sheet.

The prosecution allege that the complaint was filed by the Deputy Secretary of Maharashtra Public Service Commission, informing that in the year 2016, a Departmental examination for the post of Police Sub-Inspector was conducted by the MPSC and in the said examination, the present applicant is shown to have been appeared for the post of Police Sub-Inspector, but instead of he appearing for the examination, accused No.1-Somnath Parave-Patil impersonated the applicant and appeared for the examination. During the course of investigation, the signatures of the co-accused were obtained and forwarded for handwriting expert and it was revealed that he is not the present applicant. The prosecution also allege conspiracy between the applicant and accused Somnath, who had travelled with him for giving the said Departmental examination.

4. Accused Somnath Patil was arrested on 17/08/2019 alongwith accused Prabodh Rathod. It is alleged that the applicant was absconding and, therefore, the charge-sheet was filed against accused Nos.1 and 2.

5. The charge against the applicant is also crystallised in the same charge-sheet, which is filed and it is alleged that accused hatched a conspiracy to commit the fraud by permitting accused No.1 to give the examination on behalf of the present applicant. As far as accused No.1 is concerned, he is also an accused in the Nanded Examination Scam, but the applicant is not accused in that case. It appears that this is a sole incident, where the applicant has been aided by accused No.1. The result of the said examination was cancelled and it is informed that pursuant to the Departmental Enquiry, the applicant has been filed from the Police Department. In the aforesaid circumstances, there is no purpose which can be said to be served by detaining him further and merely the fact that he went absconding and could be arrested only after two years, cannot be a ground to detain him further. The applicant will take the consequences of the accusations, which are serious in nature, if proved during the trial. Hence, the following order.

: ORDER :

- (a) Application is allowed.
- (b) Applicant -Narendra Narayanrao Naik shall be released on bail in connection with C.R.No.108 of 2019 registered with Shivaji Park Police Station on furnishing P.R. Bond to the extent of Rs.30,000/- with one or more sureties in the like amount.

The applicant shall be released on cash bail for a period of six weeks in lieu of surties.

- (c) The applicant shall mark his attendance before the concerned police station on first Monday of every alternate month between 2.00 p.m. to 3.00 p.m.
- (d) The applicant shall attend the trial on regular basis.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(SMT. BHARATI DANGRE, J.)