

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.193 OF 2023

ANIL MAHADU CHOUDHARI AND ANOTHER
VERSUS
THE SUPERINTENDENT OF POLICE, DHULE AND ANOTHER

...
WITH ABA/194/2023

NARAYAN TOTARAM THORAT
VERSUS
THE SUPERINTENDENT OF POLICE, DHULE AND ANOTHER

...
Advocate for Applicants : Mr. V. D. Hon, Senior Advocate
instructed by Mr. A. V. Hon
APP for Respondents/State : Mr. K. S. Patil

...
WITH APPLN/673/2023 IN ABA/193/2023
WITH APPLN/672/2023 IN ABA/194/2023

CHETAN S/O. ASHOK CHAUDHARI
VERSUS
THE SUPERINTENDENT OF POLICE, DHULE AND ANOTHER

...
Advocate for Applicant/complainant : Mr. Sanket N. Suryawanshi
APP for Respondents/State : Mr. K. S. Patil

...

CORAM : S. G. MEHARE, J.

DATE : 24-02-2023

PER COURT :-

1. Heard the learned counsel for the applicants and the learned A.P.P. for the respondents/State.

2. The complainant has filed private complaint making allegations that the applicants have changed the roster. It has

also been alleged that the post sanctioned for Scheduled Tribe has been diverted to Scheduled Caste, and therefore, deserve candidate has been deprived of the job opportunity. On the complaint, the present crime has been registered.

3. The learned senior counsel for the applicants would submit that the applicants have no right to decide the roster. It is the University that fix the roster and accordingly roster is maintained. They did commit no wrong. They have cooperate with the investigation. All necessary papers have been collected. The prosecution has no case for custodial interrogation.

4. Per contra, the learned counsel for the complainant has vehemently opposed the application. He state that apparently the frauds have been played. In custodial interrogation, some more fraud may come to the light. Therefore, the custodial interrogation is essential.

5. The investigation officer is also present. She has produced report of B.C. cell, wherein it has been stated that the roster register was examined and there is no irregularity in maintaining the roster. Be that as it may, considering the nature of offence, role attributed to the applicants as well as the investigation carried out by the Investigating Officer, the Court is of the view that the custodial interrogation of the applicants is not essential. Therefore, they deserve anticipatory bail. However, certain

conditions may be imposed to have an effective investigation.

Hence, the order :-

- i) The applications are allowed.
- ii) In the event of arrest, the applicants No.(1) Anil Mahadu Choudhari and (2) Sau. Deepika Anil Choudhari, in A.B.A. No. 193 of 2023 and applicant Narayan Totaram Thorat, in A.B.A. No.194 of 2023, be released on anticipatory bail, on executing P.B. and S.B. of Rs.50,000/- each, with one solvent surety of the like amount, in C.R. No.39 of 2023, registered with the Dhule Taluka Police Station, for the offences punishable under Sections 120B, 166A, 166, 167, 406, 409, 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code and Section 8 of the Reservation Act, 2004, on the conditions that,
 - (a) They shall attend the police station as and when called by the Investigating Officer on written notice, till filing the chargesheet.
 - (b) Meanwhile, they shall not tamper with the record available in the school and college.
- iii) Criminal Applications Nos. 672 and 673 of 2023 stand disposed of.

**(S. G. MEHARE)
JUDGE**