

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.516 OF 2023

**RAHUL BANSI RATHOD
VERSUS
THE STATE OF MAHARASHTRA**

Mr. N. S. Shah, Advocate for the applicant
Mr. S. P. Sonpawale, APP for the respondent/State

**CORAM : R. M. JOSHI, J.
DATE : 06th JUNE, 2023**

P.C. :-

1. Applicant is 70% disabled person. He had applied for securing employment with the Government of Maharashtra. Since he is a disabled person he is entitled to have his own scribe for the purpose of answering the examination. As per the relevant rules it was expected that the scribe should have lesser qualification than the candidate himself. It is alleged in the FIR that the applicant has given false undertaking to the effect that he possesses qualification as Bachelor of Arts whereas the qualification of the scribe with Assistant is 12th pass. As the said undertaking is found false it is claimed by the informant that the applicant has tried to secure employment with unfair means.

2. Learned counsel for the applicant states that the co-accused i.e. scribe has already been enlarged on anticipatory bail. It is further

submitted that pursuant to the interim protection granted by this Court and direction issued, applicant has appeared before the Investigating Officer and samples of his handwriting are already obtained. Thus, according to him no further custodial investigation is contemplated.

3. Learned APP opposed the said contentions by referring to the investigation papers and particularly the letter of undertaking for using own scribe submitted by the applicant. It is stated that the assistant who was assisting in answering the examination for applicant has qualification of Bachelor of Engineering whereas it is wrongly shown as 12 standard. It is contended that having regard to the nature of offence it is not a fit case for grant of anticipatory bail.

4. The applicant is 70% physically disabled person. Even accepting the contention of the informant as it is the question remains as to whether now custodial interrogation would be necessary. It is a matter of record that applicant had attended the police station and Investigating Officer already obtained his handwriting samples. Thus, for all practical purpose the presence of the further custodial interrogation of the applicant would not be necessary. Needless to say that applicant cannot be detained in custody by way of punishment at the pretrial stage. Suffice is to say that the confirmation of the interim relief granted in

favour of the applicant would not affect further investigation. There is nothing on record to show that the applicant has abused the liberty granted by this Court.

5. In these circumstances it is a fit case for confirmation of the interim relief. Application is allowed on the same terms of order dated 12th April, 2023.

(R. M. JOSHI, J.)

ssp