

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

ANTICIPATORY BAIL APPLICATION NO.1068 OF 2023

RAHUL S/O BHAGWAN USARE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. R. S. Deshmukh, Senior
Counsel a/w Ms. Y. A. Namde and Ms. T. K. Nalawade i/by
Mr. D. R. Deshmukh

APP for Respondents: Mr. S. P. Sonpawale

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CORAM : R.M. JOSHI, J
DATE : OCTOBER 30, 2023

PER COURT :

1. Applicants apprehend arrest in connection with with C.R. No. 72 of 2023 registered with Fardapur Police Station, Dist. Aurangabad for the offences punishable under Sections 420, 468, 469, 471 and 34 of the Indian Penal Code.

2. Education Officer lodged report alleging that for the academic year 2023 answer sheets of 12th standard board for the subject of physics were assigned to the Applicants for assessment. After the said answer sheets were returned, it was found by the moderators that handwriting in the answer sheets were different and though it was the responsibility of the Applicants

to bring said discrepancy to the notice of HSC board, it was not so done by them.

3. Learned Senior Counsel appearing for the Applicants submits that there are about 200 answer sheets assigned to the Applicants for assessment. Out of which, in fact, in case of one of the Applicants total number of answer sheets were not even provided to her. It is his further submission that while assessing these number of answer sheet it is practically not possible to ascertain variance unless prominent. It is his submission that there is not allegation made against present Applicants that they were benefited by this crime.

4. Learned APP opposed the application by submitting one of the Applicants was not even qualified to assess physics answer-sheets. According to him, Applicants were expected to assess these answer sheets and difference in the handwriting ought to have been noticed by them and it was their responsibility to bring the said fact to the notice of HSC board. It is submitted that only after the moderation of these papers, the said fact was revealed. By relying upon the

sample answer sheets, it is submitted that there is substance in the allegations against them. He further submits that one of the Applicant was not having qualification for assessment of the answer sheets of subject physics.

5. As far as the allegation about the assessment of the answer sheets without being qualification is concerned, the Applicant cannot be held responsible for the same as he is duly appointed by the Board for said purpose. With regard to the allegation of the manipulation of answer sheets, the sample answer sheets placed before this Court for perusal do not show that there is any prominent variance in the handwriting which could not noticed easily. Thus, this Court finds substance in the submissions of learned Senior Counsel for Applicant that while there are number of answer sheets to be assessed in schedule time, it is practically not possible to ascertain the said difference. Apart from this, there is no allegation against the present Applicants that they gained out of this crime.

6. Applicants have already cooperated in

investigation. They have no criminal history and they are not likely to abscond. Having regard to these facts, liberty of the Applicants is protected. Hence, application is allowed by confirming interim order dated 11th July, 2023 with a condition that Applicants to attend concerned police station as and when required.

(R.M. JOSHI, J.)

Malani