

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.375 OF 2023

Sachin Ganu Pawar	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Satyavrat Joshi i/by Mr. Nitesh J. Mohite for the applicant.

Mr. Amit A. Palkar, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JUNE 13, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.6 of 2022, registered with Police Station, Nigdi for offences punishable under sections 201, 419, 420, 467, 468, 471 and 120(B) read with section 34 of the Indian Penal Code, 1860, the applicant has filed present anticipatory bail application under section 438 of the Criminal Procedure Code, 1973.

2. The prosecution story in brief is as under:

The recruitment for selection of candidates for filling up vacancies of 720 posts for the police constables was being carried out. For the purpose of the recruitment, written tests of the candidates needed to be taken under the recruitment rules. According to prosecution, the applicant along with other

co-accused used unfair means for benefit of the candidates in the recruitment process. The co-accused used dummy candidate to enter the examination hall. The dummy candidate made false signature of the candidate in a recruitment process who is co-accused. It was large scale fraud by the candidate along with the accused persons to succeed in the examination. For the said purpose, the dummy candidate used a peculiar cell phone which on the face of it can only be used for modifying appearance as a cell phone.

According to prosecution, the applicant supplied the customized cell phone along with bugging device. The applicant, therefore, apprehended arrest based on statement of the co-accused naming the applicant as the person who supplied the customized cell phone. The Sessions Judge rejected the application. The applicant has, therefore, filed present anticipatory bail application.

3. Learned advocate for the applicant submitted that the calls made by him to the co-accused Arun Pawar on the date of the examination was because of his relationship. According to him, there is no material to connect the applicant with the offence alleged against him. According to him, he is falsely implicated.

4. Per contra, learned APP for the State pointed out that the custodial interrogation of the applicant is necessary to unearth large racket of persons operating in manipulation of recruitment of various government posts. He submitted that the custodial interrogation of the applicant is necessary to investigate into other

persons involved either supplying the customized cell phone or who have purchased said customized cell phone from the applicant.

5. I have scrutinized the case diary. The material on record prima facie indicates that the accused had supplied the customized cell phone along with bugging device to the co-accused who ultimately used it for the purpose of manipulating the result. According to prosecution, the bugging device was inserted in the ear and the candidate/co-accused had the benefit of outside world to answer the questions in the examination paper. On prima facie perusal of the customized cell phone and the bugging device, at this stage it is clear that such customized cell phone can only be used for the purpose of changing appearance of a cell phone to look it as a credit card. Therefore, the custodial interrogation of the applicant is necessary to ascertain acquisition of such device and sell thereof if any to other persons to unearth larger racket.

6. The importance of custodial interrogation has been delineated by the Apex Court in a judgment in the case of **State vs. Anil Sharma** reported in 1997 7 SCC 187. The Apex Court observed that the custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favourable order under section 438 of the Criminal Procedure Code, 1973. In certain cases effective interrogation of a suspect is of tremendous advantage in disintering many useful informations and also material which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and

insulted by a pre-arrest bail during the time he interrogated, resulting such interrogation into mere ritual.

7. In the facts of the case, the nature of allegation against the applicant is that he is a part of a racket indulged in interfering with the recruitment process for the post of constables in a police department. Prima facie if applicant is a part of larger racket, therefore his custodial interrogation would be necessary for the effective elicitation oriented of investigation. I, therefore, find no merit in the application.

8. The anticipatory bail application is rejected.

9. At this stage learned advocate for the applicant seeks extension of ad-interim relief, considering the fact that co-ordinate bench of this Court at interim stage has granted ad-interim relief protection, the said protection shall continue till 27th June 2023.

(AMIT BORKAR, J.)