

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 926 OF 2023**

Pawankumar Masabthuni

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Aniket Nikam a/w Mr. Balvendra Singh a/w Mr. Ajay Khairnar for the Applicant.

Ms Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 17 APRIL 2023

P.C. :-

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 83 of 2021 registered at Wanwadi Police Station, Pune for the offences punishable under Sections 409, 420, 120-B r/w 34 of the Indian Penal Code, Sections 6 and 7 of Maharashtra Prevention of Mal-Practices at University Board and Other Specified Examination Act, Sections 7, 12 and 13 of Prevention of Corruption Act and Section 66 of Information Technology Act.

3. The written examination for recruitment in Army was to be held on 28 February 2021. However, the present applicant and other co-accused

got the question paper leaked and one day prior to the examination circulated the said question paper to the candidates for the said examination for monetary consideration.

4. The learned counsel for the applicant submits that the prosecution has already filed the charge-sheet against the other co-accused. It is submitted that this Court and the Sessions Court has released some of the co-accused on bail. It is submitted that the custodial interrogation of the applicant is not necessary as the prosecution has already filed the charge-sheet against the other co-accused.

5. On the other hand, the learned APP submits that there is a enough material to connect the accused with the alleged crime. It is submitted that considering the nature of offence, the applicant may not be released on anticipatory bail. It is further submitted that the applicant is absconding after registration of crime.

6. I have perused the paper of investigation. It appears that co-accused Veera Narnepati had forwarded the question paper to the present applicant, who at the relevant time was running coaching classes. It appears that the applicant had then forwarded the question paper to another co-accused Vasant Killari. Considering the nature of offence, I am not inclined to release the applicant on anticipatory bail. The Application is rejected.

(N.R. BORKAR, J.)