

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1208 OF 2023

Swapnil Sahadev Ubale	...Applicant
vs.	
The State of Maharashtra	...Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.397 OF 2023

Balaji Ramdas Chavare	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. M.G. Shukla i/b. Mr. Omkar Wable, for the Applicant in ABA No. 1208 of 2023.

Mr. Samay Pawar, for the Applicant in ABA No. 397 of 2023.

Mr. S.H. Yadav, APP, for the Respondent/State.

Mr. Hemant Gurao, PI, Kherwadi police station.

CORAM : N. J. JAMADAR, J.

DATE : OCTOBER 26, 2023

P.C.:

1. Heard the learned counsel for the applicants and the learned APP for the State.

2. These applications are preferred seeking pre-arrest bail in connection with C.R. No. 1015 of 2022 registered at Kherwadi police station for the offences punishable under sections 419 and 420 of Indian penal Code, 1860 and sections 7 and 8 of the Maharashtra Prevention of Malpractices at University, Board and Other Specified Examinations Act, 1982.

3. By an order dated 24th April, 2023 the interim protection was granted to the applicant in ABA No. 1208 of 2023 and by an order dated 23rd February, 2023 interim protection was granted to the applicant in ABA NO. 397 of 2023.

4. Prima facie, it appears that dummy candidates who allegedly appeared for the applicants, were not apprehended at the time of the examination. The applicants have appeared before the investigating officer and cooperated with the investigation. Prima facie, in the aforesaid view of the matter and the fact that the interim protection has been in operation since February, 2023 in ABA No. 397 of 2023 and April, 2023 in ABA No. 1208 of 2023, at this length of time, further custodial interrogation of the applicants does not seem warranted for effective investigation. I am, therefore, persuaded to make the orders of interim bail absolute.

5. The interim order dated 24th April, 2023 is made absolute on the terms and conditions incorporated therein.

6. In addition, the applicant Swapnil Sahadev Ubale (ABA No. 1208 of 2023) shall henceforth appear before the investigating officer as and when directed.

7. In the event of arrest in C.R. No. 1015 of 2023 registered with Kherwadi police station, the applicant Balaji Ramdas Chavare (ABA No. 397 of 2023) be released on bail on furnishing a P.R. bond in the

sum of Rs.30,000/- with one or two sureties in the like amount.

8. The applicant shall cooperate with the investigation and attend Kherwadi police station as and when directed.

9. The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

10. The applicant shall regularly attend the proceedings before the jurisdictional Court.

11. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Applications disposed.

(N. J. JAMADAR, J.)