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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1344 OF 2024

Ankush Vishwanath Jadhav

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....

Advocate for Applicant : Mr. Ghate Sagar Somnath
APP for Respondents: Mr. V.S Badakh.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 6TH DECEMBER, 2024.

P.C. :-

1. The applicant seeks pre-arrest bail in connection with Crime No. 438 of 2023 registered with MIDC CIDCO Police Station, District Aurangabad for the offences punishable under Sections 420, 120-B, 406, 409 r/w. 34 of IPC and under Section 7 of the Maharashtra Prevention of Malpractices at University, Board and other specified examinations Act, 1982.

2. The investigation was set in motion on the basis of the information given by Devidas Namdeo Kale, who is a Police Officer. He states that while on patrolling duty alongwith other colleagues, they located 4 persons chit-chatting in a suspicious manner. On their inquiry, the identity of the person was disclosed as Raju Bhimrao Nagare. On his personal search, mobile phone and a master card was seized. The search

of the mobile phone disclosed that it was used for transmitting answers to the students at examination for recruitment to the post of Talathi. The statement of said accused has been recorded during the course of investigation, wherein, he disclosed that the applicant/accused was the candidate at examination. He is resident of village Kadrabad and in pursuance of agreement to pay Rs. 10 Lakhs, the arrangement was made to provide him answers through electronic device. The investigation papers show that the mobile devices have been recovered wherein transmission of answers against question paper was observed.

3. In pursuance of aforesaid crime, investigation progressed and final charge sheet has been filed against in all 5 accused persons including the applicant.

4. Mr. Sagar Ghate, learned advocate for the applicant vehemently submits that except the statement of co-accused, there is nothing on record, by which involvement of the applicant can be established. He would further submit that photographs regarding transmission of questions are not made part of the charge sheet. Applicant has been falsely implicated in the aforesaid crime. The investigation is over. Even co-accused Raju Nagare, whose statement is relied upon against the applicant, is now released on bail. Applicant's custodial interrogation would not be necessary, he may be enlarged on pre-arrest bail, by imposing any suitable condition.

5. Per contra, learned APP vehemently opposes the prayer. He would submit that applicant is absconding since date of registration of offence. The statement of co-accused clearly depicts that the applicant was candidate at examination and he offered to pay Rs. 10 Lakhs for

providing him answers at the examination. Learned APP, relies upon the Panchanama regarding seizure of the mobile devices, which shows that there was transmission of files containing details of answers to the questions Talathi Recruitment Process.

6. Having considered the submissions advanced, it can be gathered that this is a case, wherein, accused persons conspired for malpractices at examination conducted for selection to the post of Talathi. Initially, accused Raju Nagare was arrested. His statement was recorded and mobile device was seized. In his statement, he clearly disclosed that applicant was a candidate at the examination conducted for selection to the post of Talathi. The examination was held at Nagpur on 5.4.2023 between 9.00 a.m. to 11.00 a.m. The question paper was provided on-line to candidates at center. The investigation papers show that the applicant appeared in that examination. He was seen in the examination hall. His movements were suspicious. Transmission of data using mobile phone has been detected during the course of investigation, which clearly depicts that the questions of on-line examination were transmitted from examination hall to other accused persons, from whom written answers were secured through electronic gadgets. All these circumstances clearly depict the role of the applicant in commission of offence.

7. Although it is contended by learned advocate for the applicant that except statement of co-accused, there is no other material depicting his involvement in the crime. That would be a subject of further investigation. Since applicant is absconding from the date of registration of offence, further investigation about to his role cannot be done. In this background, custodial interrogation of the applicant would

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be very much necessary. Hence, no case is made out for grant of pre-arrest bail. The application stands rejected.

[S.G. CHAPALGAONKAR, J]

grt/-