



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

BAIL APPLICATION NO.2271 OF 2023

Raju Bhimrao Nagare

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. S.B. Surse

APP for Respondent : Mr. P.S. Patil

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 12, 2024

PER COURT :-

1. The applicant seeks regular bail in connection with Crime No.0438 of 2023 registered with MIDC Cidco police station, Aurangabad, District Aurangabad for the offences punishable under sections 420, 120-B r/w 34 of the Indian Penal Code and u/s 7 of the Maharashtra Prevention of Malpractices at University, Board and other Specified Examination Act, 1982. His prayer for grant of bail has been rejected by the learned Additional Sessions Judge, Aurangabad vide order dated 6.12.2023.

2. Investigation was set in motion on the basis of the information given by Devidas Namdev Kale, police officer posted at MIDC Police station alleging that on 5.9.2023, while he was on duty and patrolling alongwith other officers, four persons were found chit-chatting with each other in suspicious manner. On inquiry by the police, they were trying to flee away. One of them was apprehended on the spot. He disclosed his identity as Raju Bhimrao Nagare. During his personal search one master card, a mobile phone was seized. It was noticed that mobile phone was used for providing

answers to the students undergoing competitive examinations for the recruitment of Talathi post. In pursuance of the registration of the aforesaid crime, applicant came to be arrested. He is behind bar since 6.9.2023. On completion of investigation, charge-sheet has been filed.

3. Mr. Surse, learned advocate appearing for the applicant would submit that applicant has been falsely implicated on the basis of suspicion. The applicant has not played any role in commission of the offence. Investigation in the matter is complete. The applicant is behind bar for more than four months. His further detention would not be necessary.

4. Learned A.P.P. strongly opposes the prayer for grant of bail. He would submit that the applicant has criminal antecedents. He was previously found involved in the similar offence. The applicant alongwith two others provided answers to candidate appearing in Talathi Recruitment examination. Mobile handsets and whats-app chat clearly depicts involvement of the applicant in commission of offence. The accused persons conspired together and collected amount from the candidates appearing for the examination.

5. Having considered the submissions advanced, apparently, there are allegations against the applicant regarding his involvement in commission of offence. However, investigation in the matter is complete. Charge-sheet is filed. The applicant is behind bar since 6.9.2023. Period of more than four months has been passed. The trial would likely to take its own course. The applicant cannot be incarnated indefinitely as an under trial accused in cases where

offences are punishable for less than 10 years imprisonment. Although, it is sought to be contended that the applicant was found previously involved in similar offence, that itself cannot be a ground to continue his further detention . Admittedly offences alleged are triable by the Court of Magistrate and punishable with imprisonment less then ten years. In that view of the matter, case is made out for grant of bail subject to certain conditions. Hence, the following order.

O R D E R

- i. Bail Application is hereby allowed.
- ii. The applicant – Raju Bhimrao Nagare be released on bail in connection with Crime No.0438 of 2023 registered with MIDC Cidco police station, Aurangabad, District Aurangabad for the offences punishable under sections 420, 120-B r/w 34 of the Indian Penal Code and u/s 7 of the Maharashtra Prevention of Malpractices at University, Board and other Specified Examination Act, 1982 on his furnishing P.B.&S.B. of Rs.50,000/- (Rs. Fifty Thousand) on the following conditions :-
 - a] The applicant shall not tamper the prosecution evidence.
 - b] The applicant shall attend each and every effective date of hearing before the trial Court.
 - c] The applicant shall not indulge in similar offence.
- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE.