



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

BAIL APPLICATION NO. 234 OF 2025

Sanjay S/o Tukaram Jadhav
Age: 40 years, Occu.: Service,
R/o.Bothi Tanda, Tq.Chakur,
District Latur.
At present Jijau Colony,
Renapur Road, Latur.

....Applicant
(Original Accused)

Versus

1. The State of Maharashtra
Through the Police Station Officer,
Shivaji Nagar Police Station,
Tq. & Dist. Latur.
2. The Central Bureau of India,
Through its Investigation Officer /
The Police Station Officer,
Shivaji Nagar Police Station,
Latur, Tq. & Dist.Latur.

....Respondents

....
WITH

BAIL APPLICATION NO. 148 OF 2025

Gangadharappa Nanjundappa
Age: 42 years, Occu.: Driver,
R/o. Plot No.13, Shri Ashwathama
Housing Board Colony, Hindupuram,
Dist. : Sri.Sathya, Andhra Pradesh
Having Aadhar Card No.2527 9905 3695

....Applicant

Versus

The Central Bureau of Investigation (C.B.I),
Special Crime-1, CBI Building, 5-B, CGO Complex,
Lodhi Road, New Delhi – 110 003.
Through : The Police Inspector/Investigating Officer
in FIR No.: RC2212024E0008 in CBI EO-III.Respondent

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Advocate for Applicant in BA/234/2025 : Shri R.N.Dhorde, Senior Counsel i/b. Shri Eknath Sawant and Shri P. P. More

Advocate for Applicant in BA/148/2025 : Shri A.D.Ostwal

APP for Respondent - State : Shri V.M.Jaware

Advocate for Respondent – CBI : Shri A.G.Talhar, DSGI

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 21 APRIL, 2025

ORDER :

1. Both above applications for enlargement on regular bail are arising out of one and the same crime. Both applications are heard simultaneously and are answered by learned counsel for special Agency and hence, are dealt and decided by way of common order.

Submissions in Bail Application No.234/2025 :

2. Shri Dhorde, learned Senior Counsel pointed out that, present applicant, who is a Teacher, is arrested on 24-06-2024 and is behind bars since then. Pointing to the FIR, learned Senior Counsel submitted that sum and substance of the FIR is that on secret information, it was allegedly learnt that Sanjay Tukaram Jadhav and Jalil Khan Umarm Khan Pathan, who are Teacher and Head Master in Zilla Parishad Primary School respectively, have given assurances to the students to pass them in the examinations conducted by the

Government on payment of money. It is alleged that, in that connection, said two persons were called and enquiry was made with them and it is alleged that, during preliminary enquiry, it was revealed from their mobiles that there were some Hall Tickets and messages about monetary transactions by giving assurance for clearing the examinations. That, on said premises, FIR has been lodged against four persons including present applicants. Learned Senior Counsel pointed out that investigation revealed that all students with whom there were alleged monetary transactions for clearing examination are already declared failed and therefore, he questions the credibility of very FIR.

3. Learned Senior Counsel took this Court through the statements of witnesses, more particularly of Anand Kumar Mishra and also took this court through conclusion reached at by Investigating Machinery, regarding no mal-practices being revealed in the alleged examinations. He further pointed out that investigation is already over and chargesheet is filed in August, 2024 itself. That, other accused namely Jalil Khan Umarkhan Pathan is already granted bail by this Court in Bail Application No.1900 of 2024 and therefore, he prays for grant of relief on ground of parity.

Submissions in Bail Application No.148/2025 :

4. Alleging false implication and arrest, Shri. Ostwal, learned counsel, would point out that FIR is on alleged secret information of mal-practices being conducted in examinations. That, there are allegations that there is a racket functioning to assure candidates to clear their examination by taking money. However, there is no material in that regard. That FIR itself shows that mere suspicion has been entertained. He also took this Court through the entire chargesheet and pointed out that very investigation revealed that present applicant has no nexus with any of the accused or officials of the Agency conducting said examination. He also pointed out that infact candidates, whose names are allegedly emerging for indulging in mal-practices, are already declared failed. Therefore, according to him, the very foundation of FIR gets knocked. In support of above contention, learned counsel also took this Court through the documents and statements of Shri Anand Kumar Mishra, Shri Bhagirath Jha. Shri Nagarao Dhondiram Ade, Shri Bibhishan Manik Pawar, Shri Maruti Ramu Rathod, Shri Rajesh Navnath Pawar, Shri Ram Hannu Chavan, Shri Satish Navnath Pawar, Shri Tanaji Ramrao Rathod, Shri Vitthal Raghuji Chavan, Shri Durgadas Sivaji Pawar, Shri Lakhan Dhanaji Pawar, Ms. Reshma Maruti Rathod and

Mr.Dagdu Balaji Pawar, who are guardians / parents of the students and that there is clear admission that no marks of the candidates were ever increased. He too pointed out that applicant has no concern with the persons with whom there are some WhatsApp exchanges.

Shri Ostwal, learned counsel would also emphasize that though provisions of the Public Examinations (Prevention of Unfair Means) Act, 2024 are pressed into service by way of Notification, authorizing the CBI to investigate, he would submit that effect of said Notification was not in existence during the tenure of alleged mal-practices in the examinations, as according to him, so called examinations were conducted in May, 2024, OMR sheets were uploaded by NTA on 30-05-2024 whereas final results of examination was declared on 04-06-2024. Resultantly, it is his submission that said Act was not notified when alleged offence were committed.

He also pressed into service health issues of the applicant by placing medical papers on record.

Lastly, he too submitted that now investigation is over and chargesheet is already filed in August, 2024. That, co-accused is granted bail. For all above reasons, he seeks grant of bail.

Learned counsel seeks reliance on the decisions in *Javed Gulam Nabi Shaikh v. State of Maharashtra and another*, (2024) 9 SCC 813, *Manish Sisodiya v. Directorate of Enforcement*, 2024 SCC OnLine SC 1920 and *Union of India v. K.A.Najeeb*, (2021) 3 SCC 713.

Submissions of learned DSGI :

5. Mr.Talhar, learned DSGI on behalf of the Central Bureau of Investigation (CBI) strongly opposed both applications on the ground that on secret information about candidates appearing for examinations were assured rise in marks on payment of money, preliminary enquiry was done, and it revealed some truth in the information. Initially enquiry was made with Sanjay Jadhav, and Jalilkhani Pathan, who were Teacher and Head Master respectively and they were found to be running a racket wherein students appearing for examinations conducted by the State Government as well as the Central Government, were assured of clearing examinations by taking huge amounts from them. That, mobile phones of said persons, on investigation, revealed to be carrying Hall Tickets and WhatsApp messages of candidates, who were to appear for examinations. That, such material clearly indicated that racket was being run. Learned DSGI placed on record copies of WhatsApp

chats retrieved from mobiles allegedly seized from the said persons. He submitted that thorough investigation revealed that persons named in the FIR directly or indirectly collected money from the candidates for clearing their examinations. Copies of WhatsApp chats between accused named in the FIR and students clearly establish the nexus, more particularly between Jadhav and Gangadharappa. That, serious offence of mal-practice in examinations is revealed and detected. He pointed out that when relief was granted to co-accused, at that time, there was no sufficient material, but now, chargesheet comprises of incriminating material against all applicant is on record and he prays to consider the same for refusing the relief. Learned DSGI also apprehends misuse of liberty.

6. Perused the papers. FIR dated 23-06-2024 is at the instance of one Aavej Kazi, a Police official. He reported that on 21-06-2024, secret information was received that Sanjay Jadhav, a Teacher in Zilla Parishad Primary School, Takali and Jalilkhan Umar Khan Pathan, Head Master in Zilla Parishad Primary School, Katpur, are running racket of taking money from candidates for clearing examinations held by the Government. In consequence to it, team was constituted

and above two persons, who were suspects, were summoned to the office for preliminary enquiry. Informant claims that their mobiles were taken for verification and it revealed to be containing Hall Tickets of various candidates i.e. in the data of Gallery of the mobiles. As no satisfactory reasons were given on enquiry, their suspicion grew and on indepth enquiry, it is emerged that assurances were given by Sanjay Jadhav to various candidates by conniving with one Irranna Mushnaji Kongalwar and it further revealed that through one Gangadhar, admissions were finalized in NEET 2024 examination. Informant claims that on enquiry and verification of secret information, he became sure that for conducting irregularities in upcoming examinations, persons named in the FIR are running a racket i.e. in exchange of monetary benefits i.e. for a period from 01-01-2023 to 22-06-2024.

7. Now investigation is over and chargesheet is filed of which there is no dispute.

The outcome of the investigation is reflected in the chargesheet and its sum and substance is that it was learnt that Sanjay Tukaram Jadhav i.e. present applicant in Bail Application No.234 of 2025 and Jalilkhan Pathan (who is granted bail) were suspected to be

orchestrating racket of taking money in exchange of assurance of increasing scores in the examinations conducted by the Government. *Prima facie* informant himself has reported that there was suspicion that these two persons are controlling the mal-practices and therefore, their mobiles were taken in possession and verified, which allegedly revealed WhatsApp chats related to the financial transactions entered into with parents and some students.

Investigating machinery claims that it was revealed that UG NEET 2024 examination were conducted by NTA to admit students for undergraduate courses. The said agency conducted examinations by use of OMR sheets containing bubbles, which were to be filled / marked by the candidates. These OMR sheets are to be sent to NTA by the Incharge of the examination centers and NTA further scans the OMR sheets and declares the result. This seems to be precisely the mechanism of conducting said examination and declaring results.

In above backdrop, attention of this Court is invited to the findings in the chargesheet, more particularly, paragraph 28 indicating that OMR sheets of the candidates were uploaded by NTA on its Website on 30-05-2024 and there were no changes in the bubbles filled by the candidates. In paragraph 42 of the chargesheet, it is reflected that no evidence has been found suggesting that

applicant in of Bail Application No.148 of 2025 had any contact with officials of NTA and that he was unable to influence the UG NEET 2024 examination scores. Therefore, it is virtually admitted by the investigating machinery that there is no evidence about alleged mal-practices done in the above examination. Investigating Officer has specifically stated that there is no evidence against applicant of Bail Application No.148 of 2025.

As pointed out, summary of the chargesheet has been enumerated from paragraph 16 onwards of the chargesheet. Paragraph 9 of the chargesheet shows that it is emerged during investigation that Sanjay Jadhav had approached parents of six candidates, who are named therein. Learned counsel for the applicants have pointed to the statements of parents of such candidates, wherein they have stated that marks of their wards are not increased in the said examination.

In paragraph 42 of the chargesheet, Investigating Officer has remarked and concluded that *“During the investigation, no evidence has been found so far to suggest that N.Gangadharappa (accused no.3) has any contact with officials of National Testing Agency (NTA) and that, he is a fraudster, who deceitfully and dishonestly claimed that he could manipulate UG NEET 2024 scores through his*

connections in NTA. It is alleged that he employed fraudulent tactics, thereby cheating candidates through Sanjay Tukaram Jadhav (accused no.1) and others. Accused no.3 did not return money he allegedly received from Sanjay Tukaram Jadhav, though he was unable to influence UG NEET 2024 examination scores.”

8. Statements of various witnesses are recorded including that of parents of some of the candidates i.e. Nagarao Ade, Maruti Rathod, Bibhishan Pawar, Rajesh Pawar, Ram Chavan, and they have all given statements that marks of their children have not been changed.

9. Therefore, this all percolates to the fact that there are allegations of cheating by giving false assurance to clear the examinations or to raise the scores in the examinations. However, no marks of any of the candidates were either shown to be increased or changed by any mode as the very Investigating Officer has clearly stated that accused persons had no contact with personnel of National Testing Agency (NTA).

10. Learned DSGI has placed on record copies of various WhatsApp messages between accused and candidates which suggest some efforts done to seek back money allegedly paid for illegal work of

increasing the scores or clearing the examinations. Now investigation is over, chargesheets are already filed. What further is to be achieved is not made known to this Court. Applicants Sanjay Tukaram Jadhav and Gangadharappa Nanjundappa are said to be Teacher and Driver by occupation respectively and they are behind bars since 24-06-2024 and 08-07-2024 respectively. There is nothing to indicate that matter would go for trial in near future. What is further yet to be recovered or discovered is not made known to the Court. No doubt is expressed about roots of the applicants in society and admittedly they are not from other State. Learned counsel for both the applicants undertook to abide by all and any conditions imposed by this Court including daily attendance at concerned Police Station, if so required. This Court has already granted bail to Jalilkhan Pathan by order dated 30-01-2025. Therefore, even on the ground of parity, there is no reason to refuse relief of bail, more particularly, in the backdrop of the summary enumerated by very Investigating Officer in the chargesheet. Apprehension of misuse of liberty as expressed by the learned DSGI can be taken care of by imposing stringent conditions. Hence, following order.

ORDER

- (i) Both Bail Applications are allowed.

(ii) Sanjay S/o Tukaram Jadhav (applicant in Bail Application No.234 of 2025) and Gangadharappa Nanjundappa (applicant in Bail Application No.148 of 2025) be released on bail in connection with Crime no.0272 of 2024 registered with Shivajinagar Police Station, District Latur, on executing Personal Bond of Rs.25,000/- each with one surety in the like amount each.

(iii) Applicants shall not tamper prosecution evidence.

(iv) Applicants shall report to Shivajinagar Police Station, District Latur daily between 04:00 p.m. to 06:00 p.m. till framing of charge and thereafter, they shall attend the effective dates in the trial Court regularly.

(ABHAY S. WAGHWASE)
JUDGE