



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

BAIL APPLICATION NO. 1900 OF 2024

. Jalilkhan S/o Umarkhan Pathan
Age: 35 years, Occu.: Service,
R/o Goundgaon, Tq.Deoni,
At present R/o. Alhad Apartment,
Takenagar, Near Masjid, Latur,
Taluka and District : Latur
.....Applicant
(Orig. Accused)

Versus

1) The State of Maharashtra
Through the S.P. Latur.

2) Central Bureau of India
Through its Investigating Officer /
The Police Station Officer,
Shivajinagar Police Station,
Tq. and District : Latur.
.....Respondents

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Advocate for Applicant : Mr.R.N.Dhorde, Senior Counsel i/b.
Mr. Eknath P. Sawant
APP for Respondent no.1 : Ms.Vaishali S.Chaudhari
Advocate for Respondent no.2 : Mr.A.G.Talhar, DSGI
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CORAM : ABHAY S. WAGHWASE, J.

**RESERVED ON : 29 JANUARY, 2025
PRONOUNCED ON : 30 JANUARY, 2025**

ORDER :

1. This is an application for enlargement on regular bail on
account of arrest of applicant on 24-06-2024 in Crime no.0272 of

2024 registered with Shivaji Nagar Police Station, Latur for offence under Sections 120B, 420 of the Indian Penal Code (IPC) and under Sections 3(v), 4 and 10 of the Public Examination (Prevention of Unfair Means) Act, 2024.

2. Learned Senior Counsel for the applicant pointed out that above crime has been registered against the applicant on report lodged by one Aavej Maksud Ahemad Kazi, a Police Official. That, there are allegations that by assuring to increase marks in various exams, amounts are collected from the candidates and therefore, crime has been registered. It is pointed out that present applicant is falsely implicated. That, merely by stating he to be involved, he is arrested. That, statements of almost 21 witnesses are recorded, but none of them specify about any direct dealing by present applicant and even marks of none of the candidates, who have appeared for exams, are shown to be increased, rather they are shown to have failed. It is pointed out that, now chargesheet is filed on 28-06-2024 and as such nothing is to be recovered or discovered from the applicant and as further custody of applicant is unwarranted and further as much more time would be required for committal and commencement of trial, relief of regular bail is urged for.

3. Mr. Talhar, learned DSGI strongly opposed application stating that investigation revealed that by giving false assurance of raising marks in exams, amounts have been collected. According to him, present applicant is beneficiary of money. That, it is revealed to be a big scam. He further pointed out that present applicant has played active role and moreover, other main accused is still at large. That, statement of one witness namely Ade defines role of applicant coupled with it there are WhatsApp messages on which investigating machinery has laid hands and as such there is strong incriminating evidence against the applicant. For above reasons, he seeks rejection of the application.

4. After considering the above submissions and on going through the papers, it seems that one Kazi, a Police Official, lodged report on 23-06-2024 at Shivajinagar Police Station, Latur. Informant claims that secret information was received that one Sanjay Tukaram Jadhav and present applicant are taking money from candidates appearing for various exams assuring to increase their marks and such racket is being operated. He has further reported that above named person including present applicant were called to ATS Office on 22-06-2024 for enquiry and on further questioning, accused

Sanjay Tukaram Jadhav admitted about forwarding admit cards of many students to another suspect namely Iranna Kongalwar and there were WhatsApp message exchange to assure candidates to see that they get pass in the exams, but in lieu of money. It is further reported that these two suspects were found to be involved in illegal admission process of NEET 2024 examination through one person namely Gangadhar of Delhi. On above report, crime has been registered on 23-06-2024 and applicant is arrested on 24-06-2024 and since then present applicant is behind bars. Statement is made across the bar by learned Senior Counsel that now investigation is over and in the entire chargesheet, not a single witness has stated about any marks in their exams being increased at the instance of present applicant.

5. On Court query, learned DSGI for respondent no.2 could not point out material demonstrating that applicant is beneficiary of monetary transactions from candidates. Thus, there is no material in that direction. Now chargesheet is stated to be filed. What is further yet to be recovered or discovered is not conveyed to this Court except stating that another accused is still at large. However, merely on such count, applicant cannot be kept behind the bars indefinitely

when prosecution has filed chargesheet in June 2024. For above reasons, applicant succeeds. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Jalilkhan S/o Umarkhan Pathan be released on bail in connection with Crime no.0272 of 2024 registered with Shivaji Nagar Police Station, Latur on executing Personal Bond of **Rs.25,000/-** with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.
- (iv) Applicant shall not leave Latur without prior permission of the Court, till conclusion of trial.

(**ABHAY S. WAGHWASE**)

JUDGE