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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 547 OF 2025

Nikhil Rajusingh Labana

Applicant (Orig.
.. Accused No.7)

Versus

The State of Maharashtra

.. Respondent

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- Mr. Raju Suryawanshi, Advocate for Applicant.
 - Ms. Shilpa K. Gajare - Dhumal, APP for Respondent – State.
 - Mr. Manish Waghmare, Ambernath Police Station.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 17, 2025.

P.C.:

1. Heard Mr. Suryawanshi, learned Advocate for Applicant and Ms. Gajare – Dhumal, learned APP for Respondent – State.

2. This is an Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Regular Bail in connection with C.R.No.1252 of 2024 registered with Ambernath Police Station.

3. Applicant is arrested on 25.09.2024. He was studying in the Semester-VI of TYBMS which is a Bachelor of Management Studies (BMS) Programme course affiliated to the University of Mumbai when he came to be arrested.

4. Mr. Suryawanshi would persuade the Court to grant him interim bail to attend the internal examination which is commencing from 20.02.2025 and ending on 22.02.2025. He has placed the

timetable of the internal examination which has been released by the College for Semester-VI on 11.02.2025. The name of the college is (S.E.S.) Swami Hansmuni Maharaj Degree College of Commerce.

5. Mr. Suryawanshi would submit that if the Applicant appears for the internal examination between 20.02.2025 and 22.02.2022 in the 5 papers for which the internal examination will be undertaken by the college, only then he will be qualified to appear for the final examination to be conducted by the University of Mumbai. Timetable of the final examination of University of Mumbai is also placed before the Court. Final examination will be commencing from 18.03.2025 and ending on 26.03.2025.

6. I am impelled to consider the request made by Mr. Suryawanshi while keeping the Bail Application pending to enable the Applicant to show his bonafides for appearing in the internal examination beginning on 20.02.2025 i.e. Thursday and ending on 22.02.2025 i.e. Saturday.

7. Applicant is presently lodged in Adharwadi Jail, Kalyan. He is a 21 year old young student who is at the threshold of his studies as can be seen from the material placed before the Court. He requires to appear for Semester-VI internal examination and if he appears and passes, he would be entitled to appear for his final year examination conducted by the University of Mumbai. If that request is not granted

by the Court, his Semester-VI examination will get wasted and his entire academic year will also get wasted.

8. In that view of the matter, I am inclined to accept the request made by Mr. Suryawanshi, however with a caveat. Applicant will be taken for attending the Semester-VI examination of his college at (S.E.S.) Swami Hansmuni Maharaj Degree College of Commerce situated at Ulhasnagar from the Adharwadi Jail, Kalyan on the date of the examination from 20.02.2025 to 22.02.2025 under police escort and brought back to the jail after the examination is over.

9. The Jail Superintendent / In-charge of the Adharwadi Jail, Kalyan is directed to provide police jeep alongwith escort to go with Applicant to appear for the examination and make sure that the Applicant reaches the venue of the college by 07:30 a.m. in the morning on 20.02.2025 so that he is in a position to undertake the examination. On that date, he will be appearing for 2 papers from 08:00 a.m. to 08:45 a.m. and 08:45 a.m. to 09:30 a.m.. After the examination is over at 09:30 a.m., Applicant shall be brought back to Adharwadi Jail, Kalyan immediately. The same exercise will be followed by the concerned Jail Superintendent / In-charge of the Adharwadi Jail to enable the Applicant to appear for examination on 21.02.2025 and 22.02.2025 also.

10. It is clarified that since the Applicant is a student, the

expenses for the journey and the trip i.e. for the escort shall be undertaken by the State Government in view of the issue of education of the student. Applicant shall not be required to pay charges for escort to attend examination as per the timetable as directed. For convenience and reference, timetable of the internal examination for which Applicant will be taken is reproduced below:-



Timetable Internal Examination First Half, 2024-25
11th Feb, 2025 SEMESTER-VI

DATE	TIMING	TYBBI	TYBAF	TYBMS
20 th FEB, 2025	8:00 am-8:45 am	Central Banking	Financial Accounting VII	Operation Research
20 th FEB, 2025	8:45 am-9:30 am	Security Analysis and Portfolio Management	Security Analysis and Portfolio Management	Indirect Tax (FINANCE)
				Brand Management (MARKETING)
				HRM in Global Perspective (HUMAN RESOURCE)
21 st FEB, 2025	8:00 am-8:45 am	Auditing II	Indirect Tax	Innovative Financial Services (FINANCE)
				International Marketing (MARKETING)
				HRM in Service Sector Management (HUMAN RESOURCE)
22 nd FEB, 2025	8:45 am-9:30 am	Human Resource Management	Financial Management	Project Management (FINANCE)
				Media Planning and Management (MARKETING)
				Indian Ethos in Management (HUMAN RESOURCE)
22 nd FEB, 2025	8:00 am-8:45 am	Turnaround Management	Costing Accounting IV	Strategic Financial Management (FINANCE)
				Retail Management (MARKETING)
				Organisational Development (HUMAN RESOURCE)

11. The urgent application made by Mr. Suryawanshi stands allowed in the aforesaid terms.

12. Mr. Suryawanshi would submit that depending upon the result of the internal examination, there is likelihood that the Applicant would be entitled to appear for final examination subject to the result of internal examination. Hence he is permitted to fill up the final examination form also, if he becomes entitled to the same.

13. There is one more request made by Mr. Suryawanshi which deserves to be allowed. He would submit that the study material of the various subjects which are stated in the last column of TYBMS course / timetable is required to be provided to the Applicant in Jail so that he can study for the examination. He would submit that sister of the Applicant shall provide the study material to him today itself by 06:00 p.m. in the Jail.

14. Concerned Jail Superintendent / In-charge of the Adharwadi Jail shall ensure that study material if brought by the sister of the Applicant today shall be immediately handed over to the Applicant on the basis of a server copy of this order.

15. Ms. Gajare – Dhumal, learned APP is requested by this Court to ensure that the concerned Jail Superintendent / In-charge of the Adharwadi Jail is immediately informed about passing of this order and to ensure that the study material shall be given by the Applicant's

sister is provided to him today itself.

16. All concerned parties to act on a server copy of this order and not insist on a certified copy of this order.

17. In view of the request made by Mr. Suryawanshi that Applicant may have to fill up the final examination form of the University of Mumbai, the Principal of (S.E.S.) Swami Hansmuni Maharaj Degree College of Commerce situated at Ulhasnagar is directed to give the result of the internal examination of Semester-VI of the Applicant to the Investigating Officer on 24.02.2025 so that the same can be apprised to the Court when the Bail Application is taken up for hearing on 25.02.2025.

18. Investigating Officer shall approach the concerned College for the result of internal examination of Semester-VI for placing it before the Court on the next adjourned date.

19. Stand over to **25th February 2025**. To be listed under the caption "**First on Board**".

[MILIND N. JADHAV, J.]

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