



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1159 OF 2025

Vipul Vishwas Tiwalkar

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondent

.....

Advocate for Applicant : Mr. Gawate Swapnil Devidas
APP for Respondents: Mr. K.K. Naik.

CORAM : MEHROZ K. PATHAN, J.

DATE : 19th JANUARY, 2026.

P.C. :-

1. The applicant has approached this court seeking anticipatory bail in connection with Crime No. 162 of 2025, registered with Jinsi Police Station, Dist. Chhatrapati Sambhajnagar, for the offence punishable under Sections 318-2 r/w. 3-5 of the Bhartiya Nyaya Sanhita and under Section 7 of the Maharashtra Prevention of Malpractices at University Board and other Specified Examinations Act, 1982.

2. The case of the prosecution is that on 6th June, 2025, during the afternoon session from 1.00 p.m. to 3.00 p.m. the recruitment examination for the post of Senior Assistant (Accounts) under the Airports Authority of India was conducted at Byte-Z infotech, Plot No.18, Surana Nagar, Near Seven Hills, Jalna Road, Chhatrapati Sambhajnagar. The applicant appeared for the said examination. During the examination, Computer No., C039 was allotted to him. Applicant complained that the computer is not working. Therefore, another

Computer C026 was again allotted to him. Once again, the applicant complained that the said computer is also not working. Therefore, third computer, i.e. C060 was allotted to him. During the change of computer, the I.T. Manager gave message on server that the applicant is giving answers of the questions very fast and therefore suspected foul play. When the applicant was leaving the examination center, a transmitter device had fallen on the ground from the pocket of the applicant. As such, the FIR was filed.

3. This Court had protected the applicant vide interim order dated 10th July, 2025 with a condition to attend Police Station every Saturday.

4. The learned counsel for the applicant submits that the applicant has cooperated with the investigation and attended the police station as directed by this Court. There is no complaint that the applicant has violated any of the conditions of the interim order. The applicant, who is a student is deliberately roped in the offence due to some dispute arose between the invigilator/Center Head at the time of conducting the examination. The applicant is not a history-sheeter. The applicant is ready to abide by the conditions that may be imposed. The applicant may, therefore, be released on anticipatory bail.

4. As against this, Mr. Naik, the learned APP, vehemently opposes the application on the ground that the offence is technical in nature. Unless the custodial interrogation of the applicant is allowed, the investigation cannot be completed from all angles. The applicant is alleged to have used the transmitter for committing unfair means in the examination conducted for the post of Senior Assistant (Accounts) conducted by the Airports Authority of India. The applicant was initially allotted Computer No.,C039. After complaint made by the applicant that

an error has occurred in the said computer, another computer No. C026 was allotted to him. The complaint made by the applicant that even that Computer No. C039 was not working, computer No. C60 was allotted to him for appearing in the on-line examination. Such continuous errors which were shown in the computer by the applicant created a doubt and hence, the applicant was searched, wherein, an electronic transmitter carried by the applicant had fell down and the same was caught by the invigilator, as the applicant was trying to run away from the spot. The learned APP further submits that even though the applicant has attended the Police Station as directed by this Court, the applicant has not cooperated with the investigation. There is a need for further investigation to find out the whether there was any criminal conspiracy. Therefore, this is not a fit case for grant of anticipatory bail. The application may therefore be rejected.

5. I have gone through the interim order passed by Court dated 10th July, 2025 and also perused the investigation papers. The Investigation papers made available by learned APP shows that the applicant has attended the police station on every Saturday at 11.30 a.m. and has also led to the recovery of the electronic device from the house. In the house search of the applicant, the electronic device was found which was allegedly used to transmit the information. The statement of the person present at the time of conducting the examination also appears to have been recorded. This court has already granted interim relief to the applicant vide order dated 10.7.2025 considering the fact that the applicant is a student and is not a flight risk. Further, the investigation papers show that the custodial interrogation of the applicant may not be necessary in the present crime. Further investigation can be carried out even without the custodial interrogation of the present applicant. However, the apprehension of the learned APP can be taken care of, by imposing stringent conditions. Hence, I am

inclined to protect the applicant by exercising the discretionary powers under Section 482 of the BNSS. Hence, the following order :-

ORDER

- [I] The application is allowed.
- [II] The interim order dated 10th July, 2025 is hereby confirmed.
- [III] The applicant shall attend the investigating Officer on every Friday and Saturday i.e. 23rd, 24th, 30th, 31st January, 2026 and thereafter as and when called by the Investigating Officer, till filing of charge sheet.
- [IV] The applicant shall not tamper with the prosecution evidence.
- [V] The applicant shall submit his Aadhar and Pan card to the Investigating Officer alongwith mobile numbers and addresses of two of his near relatives and his present address.
- [VI] The application stands disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-