

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.364 OF 2022

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Dyaneshwar @ Kumar Maruti Pardeshi

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Niranjan Mundargi a/w Advait Shukla i/by Shraddha Raut, for the Applicant.

Mr. A. A. Palkar, APP for the Respondent/State.

Mr. Narayan Shirgaonkar, ACP, Crime Branch, Pune – present.

CORAM : NITIN W. SAMBRE, J.

DATE : 19th SEPTEMBER, 2022

PC.

1. Applicant is seeking pre-arrest bail in Crime No.83 of 2021 registered with Wanavadi Police Station for the offence punishable under Sections 420, 409, 120B r/w 34 of IPC.

2. The prosecution case is, the applicant, a coaching center owner has illegally procured the question paper of army recruitment exam and circulated same for illegal consideration.

3. The submissions are, based on the similar set of allegations, another crime being Crime No.54 of 2021 punishable under Sections 406, 420, 120B r/w 34 of IPC and Sections 6 & 7 of Maharashtra Prevention of Malpractices at University Board and

Other Specified Examinations Act, 1982 and Sections 7, 12 and 13 of Prevention of Corruption Act, 1988 and Section 66(C) of the Information Technology Act, 2000 came to be registered.

4. As such contentions of Mr. Mundargi are, for same set of facts two offences i.e. Crime No.83 of 2021 and 54 of 2021 are lodged. He would urge that already applicant's anticipatory bail application is allowed vide order dated 28th January, 2022 passed by the Sessions Judge, Pune. As such, he would urge that the principle of double jeopardy will be attracted in the facts of the present case. In addition, his contentions that all the other accused either released on regular bail or pre-arrest bail.

5. The aforesaid factual position of registration of two offences is not disputed by the learned APP. However, he would urge that custodial interrogation of applicant is required for further investigation in the offence.

6. I have appreciated the aforesaid submissions.

7. The fact about another offence being Crime No.54 of 2021 based on same set of allegations is not in dispute. The Sessions Court has already noticed that in the said offence custodial interrogation of the applicant is not required, as such ordered release of the applicant vide order dated 28th January, 2022.

8. The said order till this date is not questioned by the Investigation Agency or the State. As such, there appears to be substance in the claim put forth by the applicant, therefore, he is entitled to be released on bail in the event of arrest in Crime No.83 of 2022. That being so, ad-interim protection stands confirmed.

9. In the event of arrest, applicant is directed to be released on bail on furnishing PR bond of Rs.25,000/- with one or more sureties in the like amount.

10. Applicant shall neither influence the witnesses in any manner nor tamper with the evidence.

11. Applicant shall attend the Investigating Officer from 26th September, 2022 to 30th September, 2022 and thereafter as and when directed.

12. The application as such stands disposed of.

[NITIN W. SAMBRE, J.]