

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2722 OF 2022

Yogesh Shankar Gosavi

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr Sudatta Patil a/w Mr Vikramsingh Parmar, Advocates for the Applicant.
Ms P. N. Dabholkar, APP for the Respondent/State.
PSI-Shankar Patil i/by ACP-Narayan Shirgaonkar-Crime Branch, Pune.

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CORAM : SANDEEP K. SHINDE, J.

DATE : 8th DECEMBER, 2022.

P. C. :

1. Heard Mr Patil, learned Counsel for Applicant and Ms Dabholkar, learned APP for the Respondent/State, through video conferencing. The Investigating Officer is present.

2. This is a second pre-arrest bail application in connection with Crime No.83 of 2021, registered with Wanawadi Police Station for the offences punishable under Sections 420, 409 of the Indian Penal Code, 1860, Sections 7, 12 and 13 of the Prevention of Corruption Act, 1988 and Sections 6 and 7 of the Maharashtra Prevention of Malpractice at University Board and other Specified Examination Act, 1982 and Section 66(c) of the Information Technology Act, 2000.

3. Prosecution case in brief is, that on 27th February, 2021, a secret information was received by the Crime Branch from Military Intelligence, Southern Command, Ghorpadi, that written examination question paper of Relation Army Recruitment, which was scheduled to be held on 28th February, 2021, has been leaked and forwarded by Kishor Mahadev Giri (Accused No.1) to the Applicant on his WhatsApp. However, further investigation revealed, that the Applicant did not circulate the question paper to anyone.

4. Mr Patil, learned Counsel for Applicant submits, that Dnyaneshwar @ Kumar Maruti Pardeshi, Co-Accused to whom, the question paper was allegedly forwarded by Kishor Giri, has been granted the pre-arrest bail, by this Court on 19th September, 2022 in ABA No.364 of 2022. Learned Counsel would further argue, that Applicant has no criminal background and he would make himself available for further investigation as and when required.

5. Ms Dabholkar, learned Public Prosecutor, would oppose the bail application.

6. The fact remains, that the Co-Accused, who has been attributed the similar role, has been granted pre-arrest bail by this Court, and thus, on the principle of parity, the Applicant is entitled to the benefit of pre-arrest protection. Moreover, Accused No.1 – Kishor, who had allegedly forwarded the examination question paper to the Applicant on WhatsApp, has been granted regular bail by this Court. Thus, in consideration of the accusations made against the Accused, and in absence of evidence, indicating Applicant, forwarded and/or distributed the question paper to the examinee or interested

person and in view of the fact, that the Co-Accused - Dnyaneshwar, has been granted pre-arrest protection by this Court, I am inclined to grant the pre-arrest protection to this Applicant, subject to following conditions :

- i) In the event of arrest of the Applicant in Crime No.83 of 2021, registered with Wanawadi Police Station for the offences punishable under Sections 420, 409 of the Indian Penal Code, Sections 7, 12 and 13 of the Prevention of Corruption Act, 1988 and Sections 6 and 7 of the Maharashtra Prevention of Malpractice at University Board and other Specified Examination Act, 1982 and Section 66(c) of the Information Technology Act, 2000, he shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand Only) with one or more local sureties in the like amount.
- ii) Applicant shall report to the Investigating Officer on 15th, 17th, 20th and 23rd December, 2022, between 11:00 a.m. to 1:00 p.m., and thereafter, as and when called.
- iii) Applicant shall report to the Investigating Officer once in a month commencing from January-2023, preferably on Monday of 2nd week from January-2023, till the charge-sheet is filed against him.
- iv) Applicant shall furnish the particulars of his residential address and contact details to the Investigating Officer, within a week from today.

v) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witness or any person concerned with the case.

7. Application is allowed and disposed of, in the aforesaid terms.

(SANDEEP K. SHINDE, J.)

TAMBE