

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3113 OF 2022

Ganesan Kaliyan

...Applicant

V/s.

The State of Maharashtra

...Respondent.

Ms Lakshmi Raman for the Applicant.

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

PI Kumar G. Ghadge, Cyber Police Station, Pune City present.

CORAM : N.R. BORKAR, J.
DATE : 22.12.2022.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.56 of 2021 registered at Cyber police station, Pune for the offences punishable under Sections 406, 409, 420, 465, 467, 468 read with 34 of the Indian Penal Code, 1860 (IPC), Section 66(D) of the Information Technology Act, 2000 and Sections 7 and 8 of the Maharashtra Prevention of Malpractices at Universities, Board and Other Specified Examinations Act, 1982.
3. This Court on 1 December 2022 passed the following order:

“ 1. This is an application under Section 438 of the Cr.P.C. filed by the applicant apprehending his arrest in C.R.No.56/2021 registered with Cyber Police Stn., Pune for the offences punishable under Sections 406, 409, 420, 465, 467, 468 r/w.34 of the Indian Penal Code and Section 66D

of the Information Technology Act, 2000 and Section 7 and 8 of the Maharashtra Prevention of Malpractices at Universities Board and other Specified Examinations Act, 1982.

2. Heard Ms. Laxmi Raman learned counsel for applicant and Mr. A.A.Palkar, learned APP for the State. I have perused the record and considered the submissions advanced by the learned counsels for respective parties.

3. The aforesaid crime was registered against the applicant and other accused pursuant to the FIR lodged by Dattatray Jagtap, Chairman of Maharashtra State Council of Examination. The applicant is CEO of GA Software Company. It is the case of the prosecution that contract to conduct Teachers Eligibility Test was given to GA Software Company. It is alleged that Mr.Pritesh Deshmukh the Director of Software Company and the other office bearers of the Maharashtra State Council of Examination conspired with each other and collected an amount of Rs.4,20,00,000/- from 800 disqualified candidates and inserted their names in the original list on the Website of TET(Teacher Eligibility Test), thereby cheating the Government as well as qualified candidates.

4. The applicant is not named in the FIR. Learned APP, on instructions, states that no amount has been deposited in the account of the applicant. Hence, prima facie, the applicant is not the beneficiary of the said conspiracy. Learned counsel for applicant has placed on record Medical Certificate indicating that the applicant has recently undergone surgery of Branch Vessel Coronary Artery. Considering the facts and circumstances applicant is entitled for interim bail on following conditions:

1. In the event of arrest of the applicant in Crime No.56 of 2021 registered with Cyber police Station, Dist.Pune, he shall be released on interim bail on execution of PR Bond in the sum of Rs.30,000/- with one or more sureties in the like amount.

2. The applicant shall report to the investigating officer, on 15th,16th, and 17th December between

11.00a.m. to 2.00p.m.

3. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

4. The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

5. Stand over to 22/12/2022."

4. The learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. The applicant has complied with the conditions of interim anticipatory bail. It is thus submitted that the interim anticipatory bail may be confirmed.

5. The learned APP submits that as on today there is no incriminating material to connect the present applicant with alleged crime.

6. Considering the above facts, I am inclined to confirm the interim anticipatory bail. Accordingly, the interim anticipatory bail granted to the applicant by order dated 1 December 2022 is hereby confirmed.

7. The applicant shall attend the concerned police station as and when called.

8. The Anticipatory Bail Application is disposed of.

[N.R.BORKAR, J.]