

MHNG030106082026 	RCC NO. 1834/2026 State Vs. Nishikant
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**COMMON ORDER BELOW BAIL APPLICATION FILED BY ACCUSED NO.
1 AND 8 AT EXH.12 AND 16.**

(Passed on 22nd April, 2026)

By these applications, **accused No.1 Nishikant Sukhdev Mool and accused No. 8 Sandip Baburao Saratkar** are seeking their release on bail in connection with the present crime registered for the offences punishable under Sections 316(5) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS) read with Section 6 of the Maharashtra Prevention of Malpractices at University, Board and Other Specified Examination Act, 1982.

2. The prosecution case, in brief, is that an unknown public officer attached to the Board of Examinations misappropriated and leaked confidential 12th Standard Board examination question papers prior to the examination conducted in February 2026. On 18/02/2026, one candidate was found in possession of a digital copy of the question paper on her mobile phone before commencement of the examination, leading to registration of FIR against unknown persons. During investigation, the Investigating Officer traced the digital trail of circulation of the question paper through multiple mobile phones and intermediaries. It has emerged

that Accused No.1 being teacher in the Government aided school allegedly pressurized the head of examination centre to open the sealed question papers and took photographs of it and circulated on a Whats App group. Accused No. 8 allegedly circulated the leak question papers vide his Whats App.

3. The Ld. Advocate for accused No. 1 and 8 submitted that they are not connected with this crime. They are falsely implicated. They have co-operated with investigation and all the electronic and documentary evidence has been already seized by the Investigating Officer and charge-sheet is already filed. The trial will take time for its conclusion and they are the only bread earner of their family. All the other accused persons are already released on bail. The accused persons deserve the bail on the ground of parity.

4. Per contra, the Learned APP and Investigating Officer opposed the application contending that the alleged offence is very serious in nature. The record prima facie show that all the three accused persons are directly connected and involved in the said offence. Pertinently, accused No. 1 pressurized other co-accused and procured the question paper and forwarded to others. There is strong and material documentary and electronic evidence against all the accused persons including Whats App chats, photos, CCTV footage collected by the Investigating Officer. If the

accused are released on bail, there is every possibility of tampering prosecution evidence, influencing witnesses and absconding. Though charge-sheet is filed, the offence includes economic trail affecting society. He argued that the offence is based on deep rooted conspiracy and bail application of all accused persons be rejected.

7. I have carefully perused the FIR, case diary and material on record. Prima facie, the investigation has revealed a chain of circulation supported by electronic evidence. The statement of co-accused, coupled with the digital trail under examination, indicates the involvement of the present accused in the procurement and dissemination process. At this stage, such material cannot be discarded.

8. The investigation is predominantly based on electronic evidence, including mobile communications, digital exchange of data and network link analysis. The process of recovery, forensic examination and correlation of such evidence is still underway. The offence alleged has a wide societal impact, affecting the sanctity and credibility of the educational system. The role of intermediaries in circulation of leaked examination material is equally grave as that of the original source. The material on record prima facie indicates involvement of the present accused in such activities.

9. However, it appears that the above accused persons are behind bars since almost 2 months and charge-sheet is already filed against them.

Admittedly, though there is recovery of electronic and documentary evidence against them, the forensic analysis of the said electronic evidence and there reports will definitely take time. Consequently, the hearing of the case will begin at a later stage. All the accused person have woman and children in their family dependent upon them. All the accused persons are resident of Nagpur and they will be available for trial. In such circumstances, by only considering that the nature of offence is serious, their family cannot be posed to suffer for indefinite time. There is no substantive ground mentioned by the prosecution against these bail applications and it shows no purpose to keep them behind bars.

10. To sum up, the applicant has remained in custody for about 02 months and the charge-sheet against him has already been filed, with the material evidence being primarily documentary and already in possession of the prosecution. Investigation against several co-accused is still pending and the supplementary charge-sheet, along with crucial forensic reports, is yet to be filed, which is likely to take an indefinite period, thereby delaying the trial. Although serious allegations are made against the applicant, other co-accused have been granted bail, and the possibility of tampering with evidence can be effectively addressed by imposing stringent conditions. Additionally, the prolonged incarceration has caused hardship to his dependent family. In these circumstances,

continued detention of the applicant for an indefinite period is not justified, and it just and appropriate to grant bail. Hence, following order;

ORDER

- 1) The Bail Application is allowed subject to following condition.
- 2) The **accused No.1 Nishikant Sukhdev Mool and accused No. 8 Sandip Baburao Saratkar** shall be released on bail on executing P.R. bond of Rs.1,00,000/- each with one or two solvent sureties in the like amount.
- 3) The applicants shall not indulge in any criminal activity of similar nature.
- 4) The applicants shall not directly or indirectly make any inducement, threat, or promise to any witness and shall not influence prosecution witnesses in any manner.
- 5) The applicants shall not tamper with evidence or attempt to fabricate or destroy any evidence.
- 6) The applicants shall not establish contact with any co-accused or witnesses in any manner that may hamper the investigation.
- 7) The applicants shall cooperate with the investigation and shall remain present before the Investigating Officer as and when called.
- 8) The applicants shall not leave India without prior permission of the Court and shall deposit his passport, if any, with the Court.

- 9) The applicants shall regularly attend the trial proceedings and remain present on each and every date unless exempted.
- 10) The applicants shall furnish his permanent address and mobile number to the Investigating Officer and shall not change the same without prior intimation.
- 11) In case of breach of any condition, the prosecution is at liberty to move for cancellation of bail.

Nagpur
Date 22/04/2026

(A.K. Bankar)
20th Jt. J.M.FC (Court No.6)
Nagpur.