IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2410 OF 2025

Naveed Aktar Sagheer Ahmed …Applicant
Versus
The State of Maharashtra …Respondent

WITH

INTERIM APPLICATION NO.3539 OF 2025

IN

ANTICIPATORY BAIL APPLICATION NO.2410 OF 2025

Mudassir Ahmed Mohammed Haroon …Applicant
IN THE MATTER BETWEEN:
Naveed Aktar Sagheer Ahmed …Applicant
Versus
The State of Maharashtra …Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.2434 OF 2025

Shafeeque Ahmad Jameel Hasan & Ors …Applicants
Versus
The State of Maharashtra …Respondent

WITH

INTERIM APPLICATION NO.3538 OF 2025

IN

ANTICIPATORY BAIL APPLICATION NO.2434 OF 2025

Mudassir Ahmed Mohammed Haroon …Applicant
IN THE MATTER BETWEEN:
Shafeeque Ahmad Jameel Hasan & Ors …Applicants

Versus
The State of Maharashtra …Respondent

Mr. Ashok Mundargi i/b. Mr. Varun Thokal, for the Applicants.
Mr. Niranjan Mundargi i/b. Ms. Keral Mehta, for the Applicant in ABA/2410/2025.
Mrs. M. M. Deshmukh, APP, for the Respondent-State.
Mr. Sanjeev B. Deore a/w. Mr. Aman Ansari and Mr. Aditya S. Deore i/b. Ms. Suchita J. Pawar, for the Intervenor.

Mr. Ganesh Wagh, API and Mr. Masule, Head Constable, attached to Pawarwadi Police Station, Nashik Rural, Nashik, present.

Mr. Pawar, Police Constable attached to Economic Offences Wing, Nashik Rural, Nashik, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 29th AUGUST 2026

PC:-

1. Heard Mr. Ashok Mundargi, learned Senior Counsel appearing for the Applicant in Anticipatory Bail Application No.2434 of 2025, Mr. Niranjan Mundargi, learned Counsel appearing for the Applicant in Anticipatory Bail Application No.2410 of 2025, Mr. Deore, learned Counsel appearing for the Intervenors and Mrs. Deshmukh, learned APP appearing for the Respondent-State.

2. These applications are filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("**BNSS**")seeking pre-

arrest bail in connection with C.R. No.95 of 2025 registered with Azad Nagar Police Station, Nashik Rural, Nashik, for the offences punishable under Sections 318(4), 336(3), 337, 340(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ("**BNS**").

3. Mr. Ashok Mundargi, learned Senior Counsel appearing for the Applicants in Anticipatory Bail Application No.2434 of 2025 i.e. for Accused Nos.1 to 4 submitted that the First Informant has certain grievance regarding his seniority as teacher in Student Welfare and Education Society, Malegaon ("**Swes School**") and therefore, filed an FIR. However, he submitted that the seniority lists from the year 2013-2014 to 2022-2023 were periodically signed by the First Informant, where the teachers against whom it is alleged by the First Informant that they were appointed after him, were shown as seniors to him. He further submitted that the main allegation is based on an approval granted by the Education Officer (Secondary), Zilla Parishad, Nashik. He submitted that the contention of the Applicants is that the approval dated 9th March 2015, wherein the date of appointment of the 13 teachers is shown as 1st December 2012 (Page 66 of the Anticipatory Bail Application) is a forged and fabricated approval order and that a

bogus order was prepared in place of the genuine order dated 9th March 2015 (Page 33 of the Interim Application) and for the purpose of raising said contention, the only reliance is placed on the statement dated 15th September 2025 of Mr. Navnath Avtade, who is a retired Education Officer (Secondary), Zilla Parishad, Nashik (Page 294 to 295 of the Affidavit-in-Reply), wherein he has stated that he remembered that, he has signed the approval letter, where the appointment dates of the year 2013 were shown. Learned Senior Counsel submitted that the said statement was made purely from the memory of the witness and was recorded after a lapse of 10 years i.e. on 15th September 2025. Learned Senior Counsel has also relied on a letter dated 2nd January 2020 issued by Swes High School, which states that the date of appointment is incorrectly mentioned as 17th June 2013 in the information made available online (Page 221 to 224). Learned Senior Counsel also relied on the letter dated 9th March 2015 addressed by the school forwarding proposal for approval of 17 Assistant Teachers (Page 64 to 65). He submitted that the said proposal clearly records the appointment date as 1st December 2012.

4. Learned Senior Counsel submitted that Applicant No.1 is Joint Secretary, Applicant No.2 is the Chairman of School Committee and the Secretary of the Trust and Applicant No.4 is a Senior Clerk. Learned Senior Counsel submitted that the Applicants have no role to play and false allegations are made against the Applicants, as the First Informant wanted that he be shown as senior than other teachers. Learned Senior Counsel submitted that as far as the Applicant No.2 is concerned, he is a senior citizen of 86 years old. Learned Senior Counsel submitted that as the allegations are totally false and as there is no material showing that the Applicant is involved in the crime, the Anticipatory Bail Application be allowed.

5. Mr. Niranjan Mundargi, learned Counsel appearing for the Applicant (Accused No.5) in Anticipatory Bail Application No.2410 of 2025, submitted that he is not at all concerned with the said school. He has pointed out the report filed by the State before the learned Sessions Court opposing his Anticipatory Bail Application and submitted that on the basis of the statements of some witnesses, he has tried to be roped in. He submitted that the Applicant is not at all concerned with the school and he is working

as teacher in Mahanagar School No.23, Urdu Primary School, Malegaon. He submitted that although it is stated that there are antecedents against the Applicant, as far as one antecedent is concerned 'C Summary' report has been filed, as far as another antecedent is concerned, report under Section 169 of the Code of Criminal Procedure, 1973 ("**CrPC**") is filed and in the third antecedent, the Applicant has been granted anticipatory bail and in the fourth antecedent, the Anticipatory Bail Application is pending and which is listed before this Court today. He submitted that the Applicant's brother was appointed in a school, which is the subject matter in C.R. No.181 of 2025 and said brother has been arrested and therefore, the Applicant has been made accused in this case by alleging that the Applicant is working as Agent as amount of about Rs.45,00,000/- was transferred by his brother in his account. However, he submitted that the Applicant is not involved in the crime.

6. Mrs. Deshmukh, learned APP appearing for the Respondent-State submitted that as the Teacher Eligibility Test ("**TET**") is made compulsory by the Government Resolution dated 30th June 2016 w.e.f. 13th February 2013, the documents were fabricated by the

accused by showing that the concerned teachers were appointed w.e.f. 1st December 2012. Learned APP submitted that therefore, the original order dated 9th March 2015 showing the date of concerned teachers as appointed on 17th June 2013 was changed to 1st December 2012 by fabricating the order. She submitted that the Applicant No.2 who is Chairman of the School Committee and Secretary of the Trust has created bogus appointment orders showing that the concerned teachers have been appointed on 1st December 2012 instead of on 17th June 2013. She submitted that even the false record of joining report dated 1st December 2012 was created and the same was signed by the Chairman i.e. present Applicant No.2 and the Headmaster i.e. Applicant No.3. She submitted that the fabricated order dated 9th March 2015 purportedly issued by the Education Officer (Secondary), Zilla Parishad, Nashik, has been acknowledged as received by the Headmaster i.e. Applicant No.3 to make show that the said fabricated order has been issued on 9th March 2015. She submitted that the Anticipatory Bail Application is required to be rejected as the record of the case is not to be found, as the Applicants are destroying the available record from the office of the Education Officer (Secondary), Zilla Parishad, Nashik and the original papers

are not traceable. She has pointed out the statements of victims recorded under Section 183 of the CrPC, wherein specific role of the Applicants is disclosed. She has also pointed out the statements of certain witnesses to show that the Applicants are involved in the crime. She has pointed out the statement of the Administrative Officer, Education Department, Municipal Corporation of Malegaon and the data available on Unified District Information System for Education Plus ("**UDISE+प्रणाली**"). She also pointed out the data available on "Teachers Profile Data" available from the academic year 2018-2019 on the said app namely UDISE+प्रणाली. She submitted that the letter dated 2nd January 2020 (Page 221) and 7th July 2020 (Page 225) allegedly issued by the school has not been received by the Administrative Officer, Municipal Council Education Board, Malegaon. She has pointed out the statements of various witnesses recorded to show that the accused No.5, who has acted as Agent has accepted money from several witnesses for the purpose of obtaining approval of their appointments. For the said purpose, she relied on the panchnama of CCTV footage conducted on 27th September 2025 (Page 72). She submitted that one of the teacher was working in Malegaon High School and Junior College and for the same period for which shown to be working in the

concerned school. She also pointed out the CDR record showing that the accused No.5 is in contact with accused No.4, who is the Senior Clerk and for the period between 2023 to 2025, there were total 888 calls made between both of them. She also pointed out that other co-accused also were in contact with the Accused No.5 and there are several conversations between them on cellphone. She, therefore, submitted that this is not a case where the Applicants be granted anticipatory bail.

7. Before considering the rival contention, it is necessary to set out the prosecution case. The prosecution case is set out in paragraph No.4 of the affidavit dated 13th September 2025 filed by Mr. Yashwantrao Shinde, Assistant Police Inspector, Economic Offence Wing, Nashik Rural, Dist. Nashik, which reads as under:

> "*4. I say that the prosecution case in brief is as under:-*
>
> *(a) It is the case of the Orig. Complainant/Informant that Muddasir Ahmad Moh. Harun is a Post of P.E. in the Student Welfare Education society High school, Usmanabad. The said school is run by Student Welfare Education Society Trust.*
>
> *(b) It is the case of the informant that on 23/11/2012 there was advertisement in the local news paper for the post of 11 teachers non grant in*

the SWES High School. In Sr. No. 1 the qualification SSC/HSC/D.Ed for the of 8 post for sub teachers non grant, medium Urdu. In Sr. No. 2 the qualification B.A./B.Sc., B.Ed for the post of 3 for sub teachers grant, medium Urdu.

(c) It is the case of the informant that in the same school one P.T. teacher Adbul Ajij retired on 31/05/2023 the complainant made request to the management to appoint the complainant. The management rejected the request of the complainant. In September 2023, the institution/school advertised the recruitment of Physical Education Teachers (for women) and 6 other teachers as education servants. At that time, the informant also gave an interview on 27.08.2023. But the institution selected a female candidate Najma for the said post. Informant was given 20% salary from November 2023.(d) It is the case of the informant that in complainant is working from 2014 (ii) Fifteen teachers were working from 2013 and (iii) Syed Akhtar Syed Farooq was working from 2015. They all teachers took 20% aided salary from June 2023 to May 2024. On 30/08/2024, the Principal of Swes High School submitted a proposal to the Education Officer Secondary, Zilla Parishad, Nashik, for approval of transfer of 2 teachers from partially aided (60%) for fully aided class. On the same day the Education Officer (Secondary) prepared an order bearing No. 4205 approving the transfer of 2 teachers from partially aided (60%) to aided posts without taking permission from the Government.

(e) It is the case of the informant that on 30.08.2024, the Head Master of Swes High School submitted a proposal to the Education Officer (Secondary), Zilla Parishad, Nashik for approval of transfer of 8 teachers from partially aided (20%) to fully aided class. On 02.09.2024, the Education Officer, Secondary, Zilla Parishad Nashik prepared

an order No. 4831/24 approving the transfer of 8 teachers from partially aided to fully aided class.

(f) It is the case of the informant that on 26.09.2024, the Head Master of Swes High School submitted a proposal to the Education Officer Secondary, Zilla Parishad, Nashik regarding the approval of transfer of 9 teachers from partially aided to fully aided class. The Education Officer, Secondary, Zilla Parishad Nashik, by mentioning the same previous order's outward number 4205 issued approval order dt. 27.09.2024 of transfer of 9 teachers from partially aided (20%) to aided posts.

(g) It is the case of the informant that as per report of investigation officer, during investigation it revealed that there are forged approval orders whose outward number and date are same. As per original order dt. 17.06.2013, there is approval of 16 Assistant Teachers out of 17 Assistant Teachers. However, in the forged approval order, the appointment date of 11 assistant teachers was changed to 01.12.2012. Accused have shown bogus appointment order from 01.12.2012 of 8 assistant teachers out of 11 assistant teachers in order to not made them applicable Teacher Eligibility Test. Out of them, assistant teacher Syed Akhtar Farooq was at Malegaon High School and Junior College, Malegaon, Dist. Nashik on a voluntary basis, drawing government honorarium. The said assistant teacher was serving in Swes High School during the academic year 2015-2016 and the informant has been working in the same school since June 2014. Due to the bogus and fake appointment date of Syed Akhtar Syed Farooq on the basis of a fake approval order, a higher pay scale was applied to him than the informant.

h) On the basis of the complaint, offence vide CR No.95/2025 u/secs. 318(4), 336(3), 337, 340(2), 3(5) of BNS registered with Azadnagar Police Station, Nashik Rural, Dist.: Nashik on 09.07.2025

> *against (1) Shafik Ahmed Jamil Hasan 2) Abdul Rahim Abdul Khalik 3) Nafeej Ishrat Mirza Amin 4) Usman Gani Gulam Rabbani 5) Naveed Akhtar Sagir Ahmed on 09.07.2025 and investigation was commenced."*

8. Although, the FIR proceeds on the basis that the First Informant is senior than other teachers and inspite of that, he has been shown as junior, in fact, during the investigation it was revealed that the fabricated proposal and fabricated approval given by the Education Officer (Secondary), Zilla Parishad, Nashik, was prepared so that these teachers are not required to appear for the Teachers Eligibility Test, which has been made mandatory from 13th February 2013.

9. Thus, the purpose of the crime was not only to show these teachers as senior but to see that they are not required to give the TET, which is made mandatory w.e.f. 13th February 2013.

10. As per the approval letter dated 9th March 2015 (page 33 of the Interim Application), the date of appointment is 17th June 2013, whereas approval letter dated 9th March 2015 (Page 66 of the Anticipatory Bail Application) on which Mr. Mundargi, learned

Senior Counsel has heavily relied, mentions the date of appointment of these teachers as 1st December 2012. According to the prosecution, approval letter dated 9th March 2015 (Page 66 of the Anticipatory Bail Application) wherein, the appointment date is mentioned as 1st December 2012 is fabricated letter.

11. Perusal of the record shows that since 2010 the State Government has made mandatory that school should give the information in the UDISE+ प्रणाली. The statement of Mr. Chandrakant Daulat Patil, the Administrative Officer, Education Department of Malegaon Municipal Corporation, specifically states that from the year 2010, it was necessary for all schools of Malegaon to inform to the Education Department of the Malegaon Municipal Corporation, the information of all the teachers as per the UDISE+प्रणाली and the said work from the academic year 2009-2010 onwards was done offline and from the academic year 2018-2019 the same is to be done by online method. The teachers profile data made available by the school from the academic year 2018-2019 is available with the Education Department of Malegaon Municipal Corporation and the said information as provided by the

said school shows that these teachers have been appointed on 17th June 2013 and not on 1st December 2012.

12. Mr. Ashok Mundargi, learned Senior Counsel has more particularly, relied on the letter dated 2nd January 2020 (Page 221 of the Anticipatory Bail Application) of Swes High School, wherein the said school has informed the Administrative Officer of the Municipal School Board, Malegaon that although on the online method the date of appointment of these teachers is wrongly mentioned as 17th June 2013, the actual appointment date is 1st December 2012. As per the prosecution case, the said letter was never submitted.

13. In any case, it is relevant to note that during investigation there are statements recorded of some of the teachers stating that they were appointed in the year 2013 and huge amounts were accepted from them from time to time for their appointment and thereafter for getting approval. Even the statement of one witness has been recorded by the learned Judicial Magistrate First Class, Malegaon under Section 183 of the BNSS, wherein the said witness has given the details of the payment made to various persons

including some of the Applicants. There are statements recorded of many witnesses, wherein it is stated that for getting the approval, huge amounts were accepted by accused No.5. There is CCTV footage of 15th May 2023 of which panchnama is drawn, wherein it is seen that accused No.5 met the Deputy Director of the Education while bringing one file and on that file, the Deputy Director of Education has put his signature.

14. Thus, the offence is very serious, where the object of the crime is not only to falsely claim seniority over the First Informant, but also to defraud the Government by backdating their appointments to claim unauthorized salaries and more significantly, the same was done to ensure that these teachers get approvals without requiring them to pass the mandatory Teachers Eligibility Test, despite being appointed after the cutoff date of 13th February 2013. *Prima facie*, it is clear that these teachers were appointed on 17th June 2013 and by fabricating the record, it is shown that they have been appointed on 1st December 2012. Thus, this is a very serious case.

15. Although, it is the contention of learned Senior Counsel that the accused No.2, who is the Chairman is 86 years old, however, the record shows that he is in contact with the accused No.5, who has acted as Agent between these teachers and the management and accepted huge amounts from time to time from different teachers by stating that the amounts are required to be given to the management and also to higer officials of the Education Department. The Accused Nos.1 and 2 are part of the management, the Accused No.3 is the Headmaster and Accused No.4 is the Senior Clerk, whose duty is to maintain the record. Accused No.5 has acted as Agent and accepted huge amounts. *Prima facie*, all these persons are involved in commission of crime by fabricating the documents.

16. Accordingly, *prima facie* all these persons are involved in very serious crime.

17. Mr. Deore, learned Counsel appearing for the First Informant has submitted that after lodging the FIR, various notices have been issued to the First Informant, who is working as teacher in the said school and enquiry has been conducted against him and he is

being pressurized to withdraw the complaint. Thus, it is a very clear that the Applicants are pressurizing the witnesses and tampering with the evidence. Even the original record is not traceable.

18. Thus, in the facts and circumstances, no case is made out for grant of anticipatory bail.

19. Accordingly, the Anticipatory Bail Applications are dismissed.

20. In view of the dismissal of the Anticipatory Bail Applications, the Interim Applications are also disposed of.

21. It is clarified that the observations made in this order are *prima facie* and made only for the purpose of consideration of these Anticipatory Bail Applications.

[MADHAV J. JAMDAR, J.]

SONALI MILIND PATIL
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