

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 1019 OF 2015.
WITH
CRIMINAL APPLICATION NO.1020/2015.
CRIMINAL APPLICATION NO.1021/2015.
CRIMINAL APPLICATION NO.1025/2015.

CRI.APPLICATION NO.1019/15.

DINESH SAHEBRAO KHANDARE.
VERSUS
THE STATE OF MAHARASHTRA.

CRI.APPLICATION NO.1020/15.

RAJU KATTHU SHINDE.
VERSUS
THE STATE OF MAHARASHTRA.

CRI.APPLICATION NO.1021/15.

DR. VINOD VASUDEO UPARWAT & ORS.
VERSUS
THE STATE OF MAHARASHTRA.

CRI.APPLICATION NO.1025/15.

DR. SUNANDA LAXMAN AHIRE & ORS.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Himmatsinh Deshmukh, Advocate for the Applicants in all Criminal Applications.

Mrs. V.A. Shinde, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 31st March, 2015.

Per Court :-

All these Criminal Applications are filed by the applicant/s for grant of anticipatory bail, since they are apprehending their arrest in connection with CR No. 13/2015 registered with Police Station, Deopur, District – Dhule for the offences punishable under Section.s. 420, 406, 408, 409, 415, 465, 467, 468, 471, 472, 473, 120(B) of the Indian Penal Code.

[2] Heard Mr. Himmatsinh Deshmukh, learned counsel for Applicants in all these Criminal Applications and Mrs. V.A. Shinde, learned Additional Public Prosecutor for the State of Maharashtra.

[3] In all these Criminal Applications, the Investigating Officer has filed his detailed reply. The applicants in all these Criminal Applications are serving as Lecturers in Arts, Commerce and Home Science and B.C.A. Womens College, Dhule which is run by P.K. Bhagini Seva Mandal.

[4] An application was moved before the learned Magistrate under Section 156(3) of the Code of Criminal Procedure by one Prakash Daga Shirsath. On the said application, the learned Magistrate passed an order on 30th January, 2015 and sent the complaint for investigation to the Police Station, Deopur, Dist. Dhule. Accordingly, Crime is registered.

[5] In the First Information Report, it is alleged that, Dr. Suryakanta Ramesh Ajmera was the Principal of said College till the year 2012 and she was Incharge of the programs conducted under the Study Circle. According to the allegations made in the F.I.R., there is forgery in respect of account papers, vouchers and other documents and forged bills were prepared and honorarium was taken.

[6] It is not in dispute that, Principal has supplied all the vouchers to the investigating agency alongwith the Audit Report. Thus, all necessary documents are already in custody of the investigating agency. The Investigating Officer has also stated on oath that from the complaint itself, it is clear that the documents in respect of disbursement of honorarium are irregular and contains various mistakes.

[7] According to the Investigating Officer, he has carried out the investigation and during the course of investigation, it has been transpired that, regarding the vouchers stated in the compliant vide Voucher Nos. 479, 498(A), 499, 69, 540, 474 and the vouchers which bearing no number, the statements of concerned Lecturers and female students have been recorded. According to their statements, amount of honorarium as per aforesaid vouchers has been received by the witnesses and there is no complaint from those witnesses regarding the same and those vouchers bears their signatures.

[8] The investigating Officer has stated that, Chartered Accountant – Mr. Ramesh Satyanarayan Rathi's statement is recorded in respect of audit, which he has conducted and that audit report,

which he has submitted. According to the statement of Chartered Accountant, there is no mistake in the Audit Report.

[9] It is submitted that, offences which are alleged against the applicants are in respect of certain documents. Those documents are already in the custody of Investigating Officer. Further, prima facie, Investigating Officer has found that, disputed vouchers bears signatures of recipients of the amount.

[10] In that view of the matter, custodial presence of the applicants, who are Lecturers is not at all necessary. Hence, I pass the following Order :-

ORDER

[i] Criminal Application Nos. 1019/2015, 1020/2015, 1021/2015 and 1025/2015 are allowed.

[ii] In the event of arrest, Dinesh Sahebrao Khandare (Applicant in Criminal Application No.1019/15), Raju Katthu Shinde (Applicant in Criminal Application No.1020/15), Dr. Vinod Vasudeo Uparwat and Rajendra K. Brahme (Applicants in Criminal Application No.1021/15) and Dr. Sunanda Laxman Ahire and Dr. Bharatsingh Amarsingh Patale (Applicants in Criminal Application No. 1025/15) shall be released on anticipatory bail on they executing PR. Bond of Rs. 5,000/- [Rs. Five Thousand.] each with one solvent surety in the like amount, in

connection with CR No.13/2015 registered with Police Station, Deopur, District – Dhule for the offences punishable under Section.s. 420, 406, 408, 409, 415, 465, 467, 468, 471, 472, 473, 120(B) of the Indian Penal Code.

(V.M. DESHPANDE, J.)