

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1077 OF 2015

Shakil Ahmed Akil Ali Ansari

....Applicant.

Versus

The State of Maharashtra

....Respondents.

Mr. C.R. Deshpande, Advocate for applicant.

Mr. N.B. Patil, APP for State.

CORAM : T.V. NALAWADE, J.

DATED : 11th March, 2015.

ORDER :

1. The application is filed for bail. Both the sides are heard. This Court has perused the papers of investigation.

2. The applicant is the President of one school by name Al Shabab Urdu Primary School. There is allegation against the applicant and the Headmistress that from the year 2009, they misappropriated amounts made available by the Government for various purposes like computer, school uniform for children, construction of water storage tank and construction of computer room etc. The amounts received from the Government were deposited in the account of educational institution and they directly withdraw the amount without making the payments to

the concerned. By using this modus operandi, the amount of Rs. 3.67 lakh has been misappropriated.

3. The learned counsel for the applicant submitted that some construction was made by the applicant and to that extent, he submitted that the amount was not misappropriated. The learned APP submitted that investigation was made in that regard and the present body has submitted that the construction was made by using other amount by the present body and not by the applicant. The learned counsel for the applicant submitted that he has been behind bars for about one month and Headmistress is granted bail.

4. The incidents of misappropriation of aforesaid nature are increasing. Money made available by the Government for welfare of students of rural area is being misappropriated. It is a serious thing. No lenient view can be taken. Such incidents happen due to the persons like the present applicant as they start such institution only for making money. They do not provide any facilities to the students and they misappropriate the amount made available by the Government. Unless that amount is recovered from them, such tendency cannot be curbed. In view of these circumstances, bail can be granted to the

applicant subject to condition of depositing of the amount misappropriated.

5. In the result, the application is allowed, subject to depositing of amount of Rs. 3,67,000/- (Rupees three lakh sixty seven thousand) by the applicant in the crime. The amount is to be deposited as the property in the crime. If the amount is deposited, the applicant is to be released on bail on his furnishing PR and SB of Rs. 50,000/- (Rupees fifty thousand) with one or more solvent sureties of like amount. He is not to tamper with the prosecution witnesses. He is not to commit the similar offence.

[T.V. NALAWADE, J.]

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