

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1143 OF 2015

Amol Pratap Shinde & Anr.

.... **APPLICANTS**

V E R S U S

The State of Maharashtra & Anr.

.... **RESPONDENTS**

.....

Mr.V.D.Hon, Sr. Counsel i/b Mr.A.V.Hon,
a/w Mr. V.B.Anjanwatikar ,Advocate for
Applicants.

Mrs. V.A.Shinde, A.P.P. for R – 1 State.

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CORAM : V.M.DESHPANDE, J.

DATE : 18th MARCH, 2015

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PER COURT :

1. This is an application for grant of anticipatory bail by the husband and wife in connection with Crime No. 19/2015 for the offences punishable u/s 420,465,466,467,468,469,471,472,474,475,476,323,504,506 read with 34 of the Indian Penal Code.

2. Heard Mr. V.D.Hon, the learned Senior Counsel along with Mr. V.B.Anjanwatikar, learned counsel for the applicants and Mrs. V.A.Shinde, the learned A.P.P. for respondent No. 1 – State.

3. The learned A.P.P. vehemently submitted that applicant No. 2 Chhaya Narsing Jadhav is not entitled to claim any discretionary relief from this Court in as much as she is beneficiary of the bogus documents prepared by the co-accused as alleged in the First Information Report [hereinafter referred to as 'F.I.R.' for the sake of brevity].

4. In so far as applicant No. 1 Amol Pratap Shinde is concerned, the learned A.P.P. has fairly stated before this Court that he is husband of applicant No. 2 Chhaya Narsing Jadhav and there is no material against him to connect him in the present crime.

5. In so far as applicant No. 2 Chhaya Narsing Jadhav is concerned, admittedly, she is having B.A. B.Ed. Qualifications and she was appointed as Assistant Teacher on 30/07/2007 and she has joined duties on 01/08/2007. The F.I.R. is lodged after a period of eight years. The learned A.P.P. pointed out to this Court the statement recorded of Mr. Vishnudas Sagar Lokhande, the Head Master during the course of investigation and pointed out that at no point of time there was any appointment order in favour of applicant No. 2 Chhaya Narsing Jadhav. Perusal of the said statement shows that it is recorded at belated stage in as much as the F.I.R. is

lodged on 28/01/2015 and the statement is recorded on 07/02/2015.

6. Looking to the fact that the F.I.R. is lodged after eight years and the statement of Head Master clearly shows that applicant No. 2 Chhaya Narsing Jadhav is not at all responsible for anything, the applicants have made out case in their favour for discretionary relief.

7. Hence, I pass the following order :

- (i) Criminal Application No. 1143 of 2015 is hereby allowed.
- (ii) In the event of their arrest, in connection with Crime No. 19/2015 for the offences punishable u/s 420,465,466,467,468,469,471,472,474,475, 476,323,504,506 read with 34 of the Indian Penal Code with Police Station Shivaji Nagar, Latur, applicant No. 1 Amol Pratap Shinde and applicant No. 2 Chhaya Narsing Jadhav shall be released on anticipatory bail on they executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety by each of them.
- (iii) Criminal Application No. 1143 of 2015 is disposed of.

[V.M.DESHPANDE, J.]