

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1386 OF 2015**[Pratap s/o Ramrao Shinde Vs The State of Maharashtra]**

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri V.D.Hon, Senior Advocate i/b

Shri V.B.Anjanwatikar, advocate for applicant

Shri S.A.Ambad, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.

DATED : 19th March, 2015

PER COURT :-

1] Heard Shri V.D.Hon, Senior Advocate i/b Shri V.B.Anjanwatikar, advocate for applicant and Shri S.A.Ambad, learned Additional Public Prosecutor for the respondent in extenso.

2] The present applicant is seeking anticipatory bail, in the event of his arrest, in connection with Crime No. 19 of 2015 registered with Shivaji Nagar police station, Latur for the offences punishable under Sections 420, 465, 466, 467, 468, 469, 471, 472, 474, 475, 476, 323, 504, 506 r/w 34 of the Indian Penal Code.

3] The first informant in the present case has lodged the first information report on 28.1.2015 alleging that the appointment order given to one Chhaya as Assistant Teacher in the school run by the Society is fabricated one and on the

basis of such fabricated appointment order, approval from the Education Officer is obtained and the Education Officer has also stated that no such approval order was granted.

4] The first information report clearly depicts that there is a long standing political rivalry between the present applicant and the first informant. It is not in dispute that the present applicant and the first informant are close relatives. According to the applicant, the first informant was Ex-Secretary of the trust who stand removed from the trust administration, thereby the first informant was nursing grudge against the present applicant who happens to be the President of the said trust.

5] The appointment order is dated 30.7.2007. Perusal of the said appointment order clearly shows that the said appointment order of Chhaya is signed by the first informant. In the first information report nowhere it is alleged by the first informant that the signature appearing on the appointment order is not his signature and/or same is bogus signature. Further there is no explanation as to what caused the first informant to file an application under the Right to Information Act.

6] It is to be noted that it is not in dispute at all that Chhaya, Assistant Teacher, who was appointed illegally, according to the first informant, holds due qualification for getting herself appointed as Assistant Teacher.

7] The entire documents pertaining to the present case are already seized by the investigating officer, thereby custodial presence of the present applicant is not at all

required in the background of the facts of the present case. Hence, I see no reason to deny the discretionary relief in favour of the present applicant. Hence, I proceed to pass the following order.

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant-Pratap Ramrao Shinde, in the event of his arrest by police station Shivaji Nagar, Latur, in connection with Crime No. 19 of 2015, for the offences punishable under Sections 420, 465, 466, 467, 468, 469, 471, 472, 474, 475, 476, 323, 504, 506 r/w 34 of the Indian Penal Code, be released on anticipatory bail on he executing P.R. Bond of Rs.10,000/- with one solvent surety in the like amount.
- (iii) Applicant shall not interfere in the course of investigation, nor shall intimidate any prosecution witnesses including the Head Master.
- (iv) Applicant shall attend police station Shivaji Nagar, Latur once in a week on every Sunday between 2.00 p.m. to 4.00 p.m. till the charge sheet is filed.
- (v) Criminal Application is disposed of.

(V.M.DESHPANDE, J.)