

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

CRIMINAL APPLICATION NO. 1912 OF 2015

Vandana d/o Pandurang Shinde APPLICANT

V E R S U S

The State of Maharashtra RESPONDENT

**WITH
CRIMINAL APPLICATION NO. 1913 OF 2015**

Mohd. Firoz s/o Abdul Sattar Saudagar APPLICANT

V E R S U S

The State of Maharashtra RESPONDENT

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Mr. S.S.Thombre, Advocate for Applicants.

Mrs.Pratibha Bharad, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 21st APRIL, 2015

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PER COURT :

1. These two applications can be conveniently decided by this common order, since in these applications the applicants are seeking anticipatory bail in view of the apprehension in their mind that they will be arrested in connection with Crime No. 59/2015 registered with Sadar

Bazar police station, Jalna, Dist. Jalna for the offences punishable u/s 406,420,467,468,471,120-B of the Indian Penal Code.

2. Heard Mr. S.S.Thombre, learned counsel for the applicants and Mrs.Pratibha Bharad, learned A.P.P. for respondent – State.

3. It is not in dispute at all that applicant in Criminal Application No. 1912 of 2015 is Head Mistress of Saraswati Shishu Vihar Primary School at Jalna, which runs classes from 1st to 4th standard. F.I.R. is lodged by Radhesham Agrawal on 13/02/2015. F.I.R. asserts that Saraswati Shishu Vihar Primary School is established in the year 1962 and Radhesham Agrawal is life member of the said institution. According to F.I.R., there occurs election in the year 2009, in which he was elected as President. In view of the said election, according to F.I.R., Change Report was submitted under the relevant provisions of the Bombay Public Trust Act before the Assistant Charity Commissioner at Jalna. F.I.R. further proceeds that some third person filed application in the said Change Report proceedings. However, the said application was rejected on 13/04/2012, which ultimately landed in this Court. It is informed that the said aspect is pending before this Court in a Review proceeding, is the statement made by the learned counsel for the applicants. Statement accepted.

4. According to F.I.R., first informant has appointed present applicant Vandana Shinde as incharge Head Mistress.

The approval is also accorded to applicant Vandana by the Education Department. F.I.R. states that there is bank account of 'mid day meal scheme'. According to F.I.R., from 06/06/2012 to 01/01/2013, all the transactions were done by applicant Vandana along with first informant.

5. F.I.R. further proceeds that from 2014, applicant Vandana has signed negotiable instruments not only along with first informant but with Firoz Saudagar, who is applicant in Criminal Application No. 1913 of 2015 and, therefore, according to F.I.R., these two persons namely Vandana and Firoz Saudagar have committed the offence and have misappropriated the amount.

6. Learned counsel for the applicants invited my attention to the fact that school management committee is in existence since 2011-2012. However, the President of the said school management committee is changed. In the year 2013-2014, applicant Firoz Saudagar in Criminal Application No. 1913 of 2015 is holding post of the President, whereas applicant Vandana in Criminal Application No. 1912 of 2015, who is Head Mistress, is a Secretary.

7. Curious to note that there are no allegations in the F.I.R. that the purpose for which the amount was received by the school is not utilized for the said purpose. The entire allegations are that unauthorized persons have withdrawn the amount. It is clear that till 2013, there is no dispute about authorship of applicant Vandana. Further, the dispute as to

whether first informant is President or not, is still pending with the appropriate authority and in view of the fact that Review is also pending before this Court in appropriate proceedings. In that view of the matter, at least prima facie, in view of the dispute, it can not be said that applicant Firoz Saudagar is not the President of the school education committee. Further, about the fact that he has been appointed as President of the said committee is already intimated to the Block Education Officer and the transactions are done within the knowledge of the said education authority. In that view of the matter, both the applicants have made out prima facie case in their favour for anticipatory bail.

8. Hence, I pass the following order :

(i) Present Criminal Applications are hereby allowed.

(ii) In the event of arrest, in connection with Crime No. 59/2015 registered with Sadar Bazar police station, Jalna, Dist. Jalna for the offences punishable u/s 406,420,467,468,471,120-B of the Indian Penal Code applicant Vandana d/o Pandurang Shinde in Criminal Application No. 1912 of 2015 and applicant Mohd. Firoz s/o Abdul Sattar Saudagar in Criminal Application No. 1913 of 2015 be released on anticipatory bail on they executing P.R. Bond of Rs. 10,000/- [Rupees Ten Thousand] with one solvent surety of like amount by each of them.

(iii) Present Criminal Applications are disposed of.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 1912.....2015