

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

CRIMINAL APPLICATION NO. 2430 OF 2015

Shaikh Mudassir Khaleel

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

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Mr. S.S.Panale, Advocate for Applicant.

Mr. A.S.Shinde, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 6th JULY, 2015

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PER COURT :

1. This is an application for grant of anticipatory bail since the applicant is apprehending his arrest in connection with Crime No. 23/2015 registered with Nilanga police station, District Latur for the offence punishable u/s 409 of the Indian Penal Code.

2. Heard Mr. S.S.Panale, learned counsel for the applicant and Mr. A.S.Shinde, learned A.P.P. for respondent – State.

3. Applicant was working as in-charge Head Master of Gausul Uloom Urdu Primary School, Nilanga, District Latur. His duty period was from 01/07/2010 to 30/03/2013. During the said period, said school was recipient of 60% grant-in-aid from the State exchequer.

4. F.I.R. is lodged on 19/03/2015 by Zhakir Hussain Abdul Rashid Ansari, the Head Master of said school on the allegation that during the period when the applicant was Head Master, he has obtained Rs. 80,507/- as an excess amount towards the salary. However, said amount is not paid to the Government.

5. F.I.R. itself shows that the departmental enquiry was conducted against the present applicant and he stands dismissed from service w.e.f. 28/07/2014. Learned counsel for the applicant submitted that the dismissal of the applicant is already challenged by filing Appeal u/s 9 of the Maharashtra Employees of Private School [Condition of service] Regulation Act, 1977 before the School Tribunal. Be that as it may. In view of the fact that the applicant is already dismissed from service, he has no control whatsoever over the documents of the said school. Further, learned A.P.P. has submitted that the entire documents are already seized and are in possession of the Investigating Officer. In that view of the matter, custodial presence of the applicant is not essential and the interest of the prosecution can be sub-served by directing the applicant to attend the police station. That leads me to pass the following order :

- (i) Present Criminal Application is hereby allowed.
- (ii) In the event of arrest in connection with Crime No. 23/2015 registered with Nilanga police station, District Latur for the offence punishable u/s 409 of the Indian Penal Code, applicant Shaikh Mudassir Khaleel be released on anticipatory bail on he executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety of like amount.
- (iii) Applicant shall attend Nilanga police station, District Latur twice in a week preferably on every Sunday and Tuesday in between 2.00 – 4.00 p.m. till the charge sheet is filed.
- (iv) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]