

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

911 CRIMINAL APPLICATION NO. 5049 OF 2013
WITH CRIMINAL APPLN/5053/2013 WITH CRIMINAL
APPLN/5054/2013 WITH CRIMINAL APPLN/5055/2013 WITH
CRIMINAL APPLN/5058/2013 WITH CRIMINAL APPLN/5059/2013
WITH CRIMINAL APPLN/5061/2013 WITH CRIMINAL
APPLN/5062/2013 WITH CRIMINAL APPLN/5063/2013

RAJU MADHUKAR MORE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant in all applications : Chavan Pravin P.
APP for State in all applications : R.P. Phatke
Advocate for R. No. 2 in CA 5049/13 : Joydeep Chatterji
Advocate for R. No. 2 in CA 5059/13 : B.R. Loya
Advocate for R. No. 2 in CA 5061, 5055/13 : N.S. Ghanekar
Advocate for R. No. 2 in CA 5053, 5062, 5058/13 : V.P. Patil
Advocate for R. No. 2 in CA 5054, 5063/13 : V.B. Patil

CORAM : T.V. NALAWADE, J.
DATED : 26th February, 2015.

ORDER :

1. All the applications are filed under section 439 (2) of Criminal Procedure Code for cancellation of relief of anticipatory bail granted to respondents by the learned Additional Sessions Judge. The crime is registered on the basis of direction given under section 156 (3) of Criminal Procedure Code by the learned Judicial Magistrate First Class, Jalgaon in Criminal Misc. Application No. 137/2013 and it is for the offence punishable under sections 384, 420, 465, 468, 34 etc. of Indian Penal Code and section 3 (1) (x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The chargesheet is already filed.

Both the sides are heard.

2. Some accused persons are managing one educational institution at Jalgaon and the remaining accused are working as employees in the said institution. It is contended that the accused are not belonging to scheduled castes or scheduled tribes and the complainant belongs to scheduled caste.

3. The complainant has made allegations that in the year 2003, he had approached the school of the institution for getting the job of clerk after coming across one advertisement published for the post. It is his case that the persons, who were in the management like accused Nos. 1 to 4 said that it was necessary for him to give Rs. three lakh for getting the job. It is his case that after negotiations, they agreed to give job for Rs. two lakh. It is his case that the procedure was followed, he was interviewed and he actually gave Rs. 1.9 lakh for getting the appointment. It is his case that posting was given to him at various places and the first appointment was given at Sadhana Madyamik Vidyalaya, Kasoda, Tahsil Erandol, District Jalgaon. He has contended that he resumed duty. It is his case that when he resumed duty, his many signatures were obtained on blank papers and receipts by telling him that such record was necessary for getting approval of Government for the said post. It is contended that he worked in main office of institution at

Jalgaon also.

4. It is his case that when he resumed the duty, the accused started asking him to give more amount of Rs. one lakh and on that count, he was harassed. It is contended that the Head-Master was made to give memo to him by making false allegations of misconduct. It is contended that on first occasion, after 11 months of service, he was not allowed to resume duty. It is contended that in the year 2005 he again approached the accused persons and requested to give him the post. It is his case that he gave Rs. 10,000/- to the accused when he was allowed to resume the duty and fresh order was given on 31.1.2005. It is contended that again he was harassed by the accused, memo was given by making false allegations and he was not allowed to resume duty from 4.2.2005. It is his case that from 2005 to 2010 he was visiting the school, contacting the accused and he was requesting them to give the appointment, but they did not allow him to resume the duty. He has given specific instances and he has contended that on all those occasions, these accused persons gave abuses to him by taking the name of his caste which is scheduled caste and these incidents took place in the campus of school and office. It is his case that he waited with the hope that they will give appointment, but ultimately he was required to give complaint

as no appointment was given. In view of these allegations, direction was given by the learned J.M.F.C. to make investigation.

5. The submissions made show that the applicant did not challenge the so called earlier order of termination from service. It appears that he has signed on some documents and memos were given to him when he was in service. In ordinary course, it was necessary for him to challenge the so called termination from service. The learned counsel appointed by the complainant could not produce even the various copies of his appointment orders or the copies of memos given to the complainant by the school. Since the year 2005, he has not in service and he filed private complaint on 12.3.2013. In view of the aforesaid circumstances, this Court holds that the learned Additional Sessions Judge has not committed any error in giving relief of anticipatory bail to all the respondents. There is no possibility of interference in the order.

6. In the result, all the applications stand rejected.

[T.V. NALAWADE, J.]

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