

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

CRIMINAL APPLICATION NO. 6179 OF 2014
WITH
CRIMINAL APPLICATION NO. 6446 OF 2014

Bhalchandra s/o. Deochand Patil
and others

....Applicants.

Versus

The State of Maharashtra

....Respondents.

Mr. R.N. Dhorde, Senior Counsel i/b. Mr. V.S. Kadam, Advocate for applicants.

Mr. R.P. Phatke, APP for State.

Mr. M.R. Wagh h/f. Mr. P.S. Paranjape, Advocate for assisting APP.

CORAM : T.V. NALAWADE, J.
DATED : 18th February, 2015.

ORDER :

1. The first application is filed for relief of anticipatory bail and other application is filed by the original complainant for giving permission to assist the learned APP. Learned counsel Shri. M.R. Wagh holding for Mr. P.S. Paranjape appointed by original complainant was allowed to assist the learned APP. This Court (other Hon'ble Judge of this Court) has already granted relief of interim nature in favour of applicants by order dated 18.11.2014.

2. The crime is registered on the basis of report given by one Vasant Borse. He had filed private complaint and in that matter, order of investigation was made by the learned J.M.F.C. under section 156 (3) of Criminal Procedure Code. He has made allegations against his wife, accused No. 19 and others that they created false record for giving appointment to his wife in education institution which is under control of the other accused.

3. It is the case of complainant that present applicants are the trustees of the education institution. It is contended that order of appointment was given to his wife in the institution on 5.8.2012 and she resumed the duties on the same day and this post was reserved for scheduled caste. It is contended that no approval was taken of education department, accused No. 18, for giving appointment and for advertisement though the advertisement was published. It is contended that there was ban against the recruitment of teachers and even of non teaching staff, but the appointment was given. It is contended that false roster was prepared by joining hands with the education department by the institution.

4. It is the case of complainant that due to this

appointment, his personal life was disturbed. After the appointment, decree of divorce came to be given and the complainant feels that he is deceived. In view of nature of allegations, this Court had directed the Investigating Officer to make inquiry and to submit report as to whether approval was given by the concerned department of Government to this appointment and as to whether any amount was paid to the wife of complainant for doing the duty. Investigating officer submitted the report in writing and he informed that no approval was given, no amount was given by way of grant or other way by Government and even the institution did not give anything to the wife of the complainant for working on the said post.

5. The complainant has filed affidavit and he has made allegations that more illegal appointments were made by using similar modus operandi. The submissions of the Investigating Officer shows that the present applicants, the trustees had no role to pay in any appointments and this was the job of the school committee. The aforesaid circumstances and submissions show that the complainant was interested in creating trouble to his wife due to his family dispute and for that, he roped in others like trustees of education institution. As no loss is caused to Government and also to the education institution, trust, this

Court holds that protection needs to be given to the applicants.

6. In the result, both the applications are allowed.
Interim relief granted in favour of applicants is confirmed.

[T.V. NALAWADE, J.]

ssc/