

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.775 OF 2015

Ramchandra s/o. Namdeo Jadhav & Ors. ... Applicants
Vs.
The State of Maharashtra ... Respondent

a/w

ANTICIPATORY BAIL APPLICATION NO.825 OF 2015

Vikram Ghembhau Kakade ... Applicant
Vs.
The State of Maharashtra ... Respondent

a/w

ANTICIPATORY BAIL APPLICATION NO.832 OF 2015

Manoranjan Dashrath Waman ... Applicant
Vs.
The State of Maharashtra ... Respondent

a/w

ANTICIPATORY BAIL APPLICATION NO.860 OF 2015

Satish Tukaram Supekar ... Applicant
Vs.
The State of Maharashtra ... Respondent

a/w

ANTICIPATORY BAIL APPLICATION NO.809 OF 2015

Raman Dashrath Kakade ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr.Uday Malte i/b A.S. Shalgaonkar for the Applicant in ABA/775/2015

Mr.Niranjan Mundargi, for Applicant in ABA/809/2015

Mr.P.B. Shah i/b Mr.K.P. Shah for Applicant in ABA/825/2015

Mr.U.R. Agandsurve for Applicant for ABA/832/2015

Ms.R.R. Dhure for Applicant in ABA/860/2015

Ms.Veera Shinde, APP, for Respondent – State in ABA/775/2015, 825/2015

Mr.Arfa Sait, APP, for State in ABA/809/2015, 832/2015 and 860/2015

Mr.Sunil Shete, Investigating Officer / ACP, ACB, Pune - present

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: JULY 8, 2015

P.C.:

1. All these applicants in these applications are facing charges under sections 13(1)(c)(d) r/w 32 of the Prevention of Corruption Act, 1988 and also under sections 109, 420, 468, 471 of the Indian Penal Code. The complaint is registered against the applicants/accused on the basis of the complaint given by one J.A. Tandale, PSI registered at C.R. No.8 of 2015 with the Alephata police station. Hence, all these applications are taken together and disposed of by this common order.

2. It is the case of the prosecution that the informant J.A. Tandale, PSI, came across a written complaint sent by one Sandeep V. Rohakalle on 9.6.2014 and therefore, he called Mr.Rohkalle and got acquainted with the offences committed by the applicants/accused. The applicants/accused are associated with a school, namely, Subhash Vidya Mandir, which is an 100% grant in aid school. It is a secondary and higher secondary school.

In the said school, four persons, namely, S.K. Gaikwad, V.G. Kakade, S.Supekar and Sandhya Pawde were appointed illegally. It is the case of the prosecution that these persons are not eligible and do not hold necessary qualification for the post on which they were appointed. The accused persons at the relevant time were holding different posts either as a Chairman of the school or Principal or Education Officer or Headmaster or other employees of the school. They all conspired and processed the applications of those ineligible persons. They fraudulently accepted forged certificates of the qualifications. Some forged documents made misrepresentation before the authority and got these 4 persons appointed. These persons being ineligible and their orders being illegal, the salary received by them is a loss caused to the government and hence, the offence under the Prevention of Corruption Act and the Indian Penal Code of cheating and forgery are registered. The complaint was given on 2.5.2015.

3. The learned Counsel for the applicants/accused submitted that the appointments of these four persons are approved by the Education Officer and the applicants/accused have not committed any offence. applicant/accused No.2 Dattatray P. Shendkar in Anticipatory Bail Application No.775 of 2015 is a retired government officer and others are government servants and hence their custody is not required.

4. Both the learned Prosecutors have opposed the applications. After obtaining instructions from the Investigating Officer, they submitted that the applicants/accused have conspired and did not follow the procedure and suppressed the material facts of forgery. The four persons, who are appointed are not only ineligible but the appointments are illegal. These appointments have caused loss to the government and, therefore, offence of cheating and forgery committed by all the applicants/accused together. Their custody is required to procure the inward and outward registers and other documents. They further submitted that the applications and some documents were processed directly without making necessary entries in the registers.

5. Perused the FIR. It appears that the main grievance is that the persons who are not qualified were appointed in the school. The applicants/accused are the appointing authorities and the applicants/accused are prima facie responsible for their appointments. However, custody of the applicants/accused is not required considering the nature of the offence. Therefore, I am inclined to grant them protection. Accordingly, pre-arrest bail is granted on the following conditions:

- i) In the event of arrest, the applicants/accused in all the Anticipatory Bail Applications shall be released on bail upon

furnishing P.R. Bond in the sum of Rs.20,000/- each, with one or two sureties in the like amount;

ii) The applicants shall not tamper with the evidence;

iii) The applicants shall not indulge into any kind of offence while on bail;

iv) The applicants shall cooperate with the Investigating Officer and attend with all the documents at the Anti Corruption Bureau, Pune on 11th July, 2015 and 25th July, 2015 between 11 am to 2 pm and on 18th July, 2015 between 5 pm to 8 pm.

6. All the Anticipatory Bail Applications are disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)