

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [ABA] No.98 of 2015

(Vijay Marotrao Dange

vs.

The State of Maharashtra, through P.S.O. Babhulgaon, District Yavatmal)

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Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

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Mr. S.J. Khandalkar, Advocate for the Applicant.
Mr. A.H. Laddhad, A.P.P. for the Non-Applicant/State.

CORAM : PRASANNA B. VARALE, J.

DATE : APRIL 23, 2015.

Heard Mr. Khandalkar, the learned Counsel for the applicant.

The applicant is before this Court seeking protection in the nature of pre-arrest bail in connection with Crime No. 21/2015, registered at Police Station Babhulgaon, District Yavatmal for the offences punishable under Section 420 of the Indian Penal Code.

The learned Counsel for the applicant, by inviting my attention to the F.I.R. lodged at the instance of the informant, submits that in the report, a vague reference is made against the applicant that an appointment order was issued by the applicant at the instance of Prakash and Dinesh, who have accepted the amount. The learned Counsel further submits that it is stated in the report that one Sanjay

Khandvilkar handed over an appointment order. The learned Counsel further submits that there is a vague reference is made in the report that though the complainant approached the applicant for return of the amount, the applicant on one pretext or other avoided to return the amount. The learned Counsel then submits that on such a vague report, it cannot attract the offence against the applicant much less the offence under Section 420 of the Indian Penal Code. The learned Counsel for the applicant then invited my attention to a communication issued to Mr. Khandvilkar. His submission is that the institute initiated action against Mr. Khandvilkar, against whom the allegations are made in the report. He further submits that the applicant is the Secretary of the School Committee and is working as head clerk in the said school. He submits that considering the position the applicant held, he can play no role in appointment of the staff and there is a procedure provided for appointment of teaching staff in the school. The learned Counsel also submits that the applicant is working in the school for last so many years and having a clean record to his credit and on the backdrop of such vague allegations, the liberty of the applicant cannot be curtailed. He further submits that the applicant, being a teacher, will be available for the purpose of investigation as and when required by the investigating agency and, therefore, no custodial

interrogation of the applicant is required.

Mr. Laddhad, the learned A.P.P. opposes the application.

I have gone through the material collected by the investigating agency made available for my perusal. On perusal of the material collected by the investigating agency, on the backdrop of the report lodged against the applicant, in my opinion, there is considerable merit in the submission of the learned Counsel for the applicant. The apprehension of the State can be taken care of by imposing conditions on the applicant.

In the result, the application is allowed. The interim order passed by this Court on 10/03/2015 in favour of the applicant stands confirmed with a condition that the applicant to attend the Police Station Babhulgaon, District Yavatmal on every second and fourth Sunday of the month between 09:00 a.m. to 12:00 p.m. and maintain diary of his attendance duly countersigned by the Police Station Officer or the Investigating Officer, till filing of the charge-sheet.

The application is disposed of in above terms.

JUDGE

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