

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

CRIMINAL APPLICATION NO. 3021 OF 2016

1. Sharad Puna Bhangale,
2. Sanjay Pratap Chavan,
3. Jayraj @ Gokul Jijabrao Chavan,
4. Mohan Ramkrushna Bhangale,
5. Prakash Nimba Sapkale,
6. Pravin Vaman Bhangale,
7. Umakant Vasant Rane,
8. Sunil Shantaram Chavan,
9. Satish Baliram Chavan,
10. Vikas Bhagwat Bhangale,
11. Bapu Bandu Sonawane,
12. Pandit Jijabrao Chavan,
All R/o. Kanalda,
Tq. & Dist. Jalgaon. ...Applicants

versus

The State of Maharashtra
through the Police Inspector,
Taluka Police Station, Jalgaon
Tq. & Dist. Jalgaon. ...Respondent

WITH

**CRIMINAL APPLICATION NO. 3231 OF 2016
IN
CRIMINAL APPLICATION NO. 3021 OF 2016**

Rajendra Pralhadrao Chavan,
Age: 52 years, Occc: Social work/
Secretary of Gramin Shikshan Sanstha
Kanalda, At post Kanalda,
Tq. & Dist. Jalgaon.

versus

The State of Maharashtra & ors.

.....
Mr. V.B. Patil, Advocate for applicants
Mr. S.D. Ghayal, A.P.P. for respondent/State
Mr. P.B. Suryawanshi, Advocate to assist A.P.P.
.....

CORAM : N.W. SAMBRE, J.

DATE : 24th JUNE, 2016

ORAL ORDER :

For the reasons stated in Criminal Application No. 3231 of 2016 seeking permission to assist prosecution, the same stands allowed.

2. One Rajendra Chavan lodged complaint against the present applicants alleging that the applicants have tampered with the record and proceedings of the trust namely Gramin Shikshan Sanstha, Kanalda, of which the applicants are claiming to be office bearers.

2. The said complaint has resulted into registration of crime bearing Crime No. 59 of 2016 registered with Taluka Police Station, District Jalgaon, for the offence punishable under Sections 191, 192, 196, 403, 405, 408, 409, 416, 417, 419, 420, 463, 464, 465, 468,

471, 474, 475, 120(B) of the Indian Penal Code.

3. The applicants, in my opinion, are entitled to be released on pre-arrest bail for the reason that upon perusal of the investigation papers, it depicts that respective parties i.e. group of complainant and the applicants have filed their change report under Section 22 of the Bombay Public Trusts Act. The change report of the applicants came to be rejected by the Deputy Charity Commissioner and the applicants have preferred an appeal to the Joint Charity Commissioner against the same. There is one more reason for ordering release of the applicants is, dispute is arising out of administration of trust, for which, remedy lies under Bombay Public Trusts Act, to which the parties have already taken recourse to.

4. The claim as is sought to be put forth by learned A.P.P. and learned Counsel for the complainant that there is tampering of record and said issue can be gone into by the Courts or authorities below pursuant to the provisions of Indian Penal Code, particularly Sections 191 and 193.

5. In the above referred background, in my opinion, it will be appropriate, to grant protection to the applicants. Hence, the following order:-

(i) In the event of arrest, the applicants be released on bail, in connection with Crime No. 59 of 2016 registered with Taluka Police Station, District Jalgaon, for the offence punishable under Sections 191, 192, 196, 403, 405, 408, 409, 416, 417, 419, 420, 463, 464, 465, 468, 471, 474, 475, 120(B) of the Indian Penal Code, upon furnishing P.R. bond of Rs.15,000/- with one surety in the like amount, by each of them.

(ii) The applicants shall attend the concerned police station on 7th and 8th June, 2016 and thereafter as and when called by the Investigating Officer.

(iii) The applicants shall not tamper with the prosecution evidence.

6. The criminal application stands allowed in above terms

[N.W. SAMBRE, J.]

Tupe/