

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

Criminal Application No. 4917 of 2016

District : Beed

Santosh s/o. Anil Rathod,
Age : 28 years,
Occupation : Service,
R/o. Anand Nagar, Ambajogai
Town, Taluka : Ambajogai,
District : Beed. .. Applicant.

versus

The State of Maharashtra,
Through Police Inspector,
Ambejogai City Police Station,
Ambejogai, District : Beed. .. Respondent.

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Mr. D.B. Thoke, Advocate, for the applicant.

*Mrs. V.N. Patil (Jadhav), Addl. Public Prosecutor,
for the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 22ND SEPTEMBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 295/2016 registered with Ambajogai City Police Station, District Beed, for offences punishable under Sections 468, 420, 323, 324, 504, 147, read with Section 149 of the Indian Penal Code, by this

application, is seeking pre-arrest bail.

2. Heard both sides.

3. The learned Addl. Public Prosecutor opposed the application by arguing that bogus record is created by the applicant - Head Master and services of the informant were illegally terminated.

4. Perused papers of investigation including the FIR lodged by Sushil s/o. Baliram Karad, who was a Teacher working in the Ashram School run by the educational institute of which father of the applicant is the Secretary. The applicant is Head Master of that Ashram School. According to the informant, on 20.06.2016 he was not permitted to sign the muster roll. He therefore contacted the applicant. The applicant directed him to meet the Secretary of the educational institution. According to the informant, on 21.06.2016, he along with his family members had been to the office of Shri Anil Rathod, Secretary of the educational institution. Said Anil Rathod informed the informant - Teacher that his services are terminated and therefore his name is not figuring in the muster roll. Thereafter, according to the informant, the present applicant and other accused persons started giving abuses to the informant and his family members. It is averred that the applicant had assaulted father-in-law of the

informant by means of stick and had bitten finger of right hand of Vijay Gambhire. Apart from this, it is also averred that false record is created by the educational institution.

5. It is prima facie seen that the Social Welfare Department had directed the Head Master of the educational institute where the informant was serving, to terminate services of employees who are not approved by the Department. The reason appears to be availability of surplus Teachers with the Department. In this backdrop, the FIR does not contain any of the factual details regarding alleged forged record.

6. As against this, Shri Anil Rathod, Secretary of the educational institution, who happens to be father of the present applicant, had lodged report against the informant and his family members on 21.06.2016 itself, alleging house trespass with an intention to cause hurt and assault.

7. The injury certificate shows that simple injuries were caused to injured Vilas Bhange and Vijay Gambhire.

8. In this view of the matter, custodial interrogation of the present applicant is not warranted.

9. Hence, the following order :-

(a) The Application is allowed and the order dated 31st August 2016, granting ad interim anticipatory bail to the applicant, is confirmed on the same terms and conditions.

(b) In addition, the applicant shall attend the concerned Police Station as and when reasonably called by the Investigating Officer for the purpose of investigation, till filing of the charge-sheet, if any.

10. The Application stands disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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