

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1135 OF 2016

Shri Dattatraya Pandurang Dange & 5 Others. ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. Dilip Bodake, Advocate for the Applicant.

Mr. Deepak Thakre, APP for the Respondent-State.

CORAM : A. M. BADAR, J.

DATE : 08th AUGUST, 2016

P.C. :

1 Applicants/accused in Crime No. 377 of 2016 registered with Sangola Police Station, Dist. Solapur for the offences punishable under section 420, 468, 466, 467, 471, 409, 477A r/w. 34 of the Indian Penal Code at the instance of informant-Tanaji Ghadge-the Block Development Officer, by this application under section 438 of the Cr.P.C., are praying for pre-arrest bail.

2 Heard learned counsel appearing for applicants / accused as well as learned APP for the State.

3 It is argued by the learned counsel for applicants/ accused that perusal of the FIR does not show commission of

any offence by the present applicants who are primary teachers in Zilla Parishad Schools working in Zilla Parishad, Solapur.

4 Learned APP opposed the application by contending that the report submitted by the Extension Officer/ Education to the Block Education Officer on 14.10.2015 shows that applicants have forged the attendance register and have marked attendance of students who had in fact left the school.

5 Perused the FIR lodged by Tajani Ghadge, Block Education Officer. In his FIR, he averred that School Head Master of the Zilla Parishad School has mis-appropriated the amounts of grants meant for supply of uniforms to the students belonging to the backward class of society and similarly, he has misappropriated the amount earmarked for providing nutritious meals to the students of the schools. Similarly, it is averred that the Head Master had shown attendance of the students in the test of the school though 11 students did not appear for the examination. It is averred that a false strength of the students is shown.

6 Perusal of the averments in the FIR goes to show that all allegations made therein by the Block Education Officer are directed against the Head Master of the said School. In the report of the Education Extension Officer to Block Education Officer, Panchayat Samiti Sangol, which is not the

part of the FIR, averments are regarding marking a false attendance of the students.

7 Considering the nature of the allegations against the present applicants who are primary school teachers with Zilla Parishad their custodial interrogation is not warranted. Therefore, the order.

ORDER

- i. The anticipatory bail application is allowed.
- ii. The order granting ad-interim anticipatory bail to the present Applicants/accused on 7th July, 2016 is confirmed on the same terms and conditions.
- iii. The application is disposed of accordingly.

(A. M. BADAR, J.)

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