

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2791 OF 2017

Ramesh Baburao Sonawane, Age 60 ... **Applicant.**
years, Occ. Retired, R/o. 6,
Sainik Colony, Biladi Road,
Deopur, Dhule, District Dhule.

V E R S U S

The State of Maharashtra, **Respondent.**
Through Police Inspector, Dhule
City Police Station, District
Dhule

Mr. P. D. Bachate, Advocate for the Applicant
Mr. S. J. Salgare, A.P.P. for the respondent/State

CORAM : K.L. WADANE, J.

DATE : 27th JUNE, 2017

ORDER :

1. Heard Mr. Bachate learned counsel for the
applicant and Mr. Salgare, learned APP for the State.

2. One Pramod Patil, now Superintendent,
Education Officer (Secondary), Zilla Parishad Dhule
lodged a complaint alleging that, the secondary school
was granted to Mahatma Phule Yuvak Vikas Mandal Dhule

at Chaugاون Tq. Shindkheda Dist. Dhule. A proposal to transfer the said school from Chaugاون to Kakandre Tq. Shahada was submitted on 15.07.2008 by the Head Master of the school along with the documents and succeeded in getting the transfer order. But it reveals that, by filing forged documents along with the proposal the transfer orders were received. Therefore, present applicant and other persons have committed the offence of forgery. Hence, Crime No. 38/2017 is registered with Dhule City Police Station for the offences punishable under section 420, 467, 468, 469, 471 read with section 34 of the Indian Penal Code.

3. The learned counsel appearing for the applicant submits that, at the relevant time the present complainant was Secretary of the School and under his team work the proposal of transfer of school was filed alongwith all the necessary documents.

4. Learned APP submits that, the present applicant was President of the Trust and he is custodian of all the documents. Therefore, his custodial interrogation is required for the purpose of

investigation.

5. Learned counsel appearing for the petitioner invited my attention to the enquiry report in the matter. On perusal of the report it appears that, the complainant had conducted enquiry after going through the relevant record and by way of opinion he has mentioned that, the original complainant Mr. P.T. Khairnar was Secretary at the relevant time and due to the differences between the Board of Trustees, Management has removed Mr. Khairnar from the post of Secretary. However, when the process of transfer of the school was going on at that time Mr. Khairnar was working with the Management and he himself submitted all the documents alongwith proposal. This goes to show that the original complainant is the person who submitted the proposal alongwith the documents.

6. In such circumstances, the custodial interrogation of the present applicant is not necessary. Because, in the enquiry it was revealed that the proposal was submitted by Mr. Khairnar along with other relevant documents. In view of the above, the applicant is entitled for anticipatory bail on

certain conditions. Hence, following order :

O R D E R.

- i) In the event of arrest of the applicant in connection with Crime No.38 of 2017, registered with Dhule (City) Police Station, Dhule, he be released on bail on his furnishing P.R. bond of Rs.25,000/- (Rupees twenty five thousand) with one surety in the like amount.
 - ii) Applicant-accused shall not tamper the evidence of prosecution in any manner and to co-operate the further investigation.
 - iii) Applicant shall submit the documents in connection with the crime to the investigating officer.
7. Criminal application is disposed of.

(K.L. WADANE, J.)