

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**CRIMINAL APPLICATION NO. 2913 OF 2017**

Suryakant            s/o            Narayanrao            **Applicant**  
Kadelwar, Age 50 years, Occ.  
Service, R/o. Gokul Nagar,  
Nanded, Tq.& Dist. Nanded.

**V E R S U S**

The State of Maharashtra, Through            **Respondent**  
Police Inspector, Police Station  
Ardhapur, Tq. Ardhapur Dist.  
Nanded.

Mr. A. N. Nagargoje, Advocate for the Applicant  
Mr. A.A. Jakatkar, A.P.P. for the respondent/State

**CORAM : K.L. WADANE, J.**

**DATE : 29<sup>th</sup> JUNE, 2017**

**ORDER :**

1.            Heard Mr. Nagargoje, learned counsel appearing for the applicant and Mr. Jakatkar, learned APP for the respondent-State.

2.            On 19.04.2017 a private complaint was filed before the Judicial Magistrate, First Class, Ardhapur, District Nanded, alleging that, an amount of Rs.

34,75,000/- was sanctioned in the academic year 2011-2012 for construction of 11 rooms in Zilla Parishad High School Ardhapur. It is further alleged that, the construction was completed in the month of June 2013. But the concerned Head-master and other persons have prepared false record and misappropriated an amount of Rs. 2,52,000/-.

3. The learned Magistrate vide order dated 12.05.2017 directed the concerned police to submit report under section 156(3) of the Code of Criminal Procedure and also directed to register the first information report. Pursuant to the direction, offence at Crime No. 141/2017 came to be registered against the present applicant and others on 22.05.2017.

4. Mr. Nagargoje learned counsel appearing for the applicant firstly points out the initial complaint of the complainant and by referring the contents in para NO. 10 he points out that complaint of misappropriation was against the President and Secretary of that School. The present applicant is serving as a Block Education Officer, Panchayat Samiti, Ardhapur. He joined his duty on 30.10.2013.

5. Mr. Nagaroje further points out that, the construction of the rooms was already completed prior to the appointment of the applicant. Mr. Nagargoje further submits that, the applicant appointed as enquiry officer and after conducted detailed enquiry he submitted his report on 25.06.2016 and from the concluding para it reveals that, the present applicant has opined that, one Mr. Bhosale, the then Head-Master and one Smt. Khot retired Head-Master, were responsible for the misappropriation. The report was submitted to the Chief Executive Officer of Zilla Parishad Nanded for further necessary action.

6. Mr. Nagargoje further points out the communication letters dated 06.10.2016, by which, in the capacity of Enquiry Officer and a Block Education Officer, Panchayat Samiti Ardhapur, addressed to the Educational Officer, Zilla Parishad Nanded and thereby requested to take appropriate action including registration of the crime.

7. So looking to the above aspect, I am of the opinion that, in fact, the present applicant has made an enquiry in regards to the misappropriation. He has

submitted report to that effect and also requested to take necessary action against the person, who were responsible for the alleged misappropriation. In such circumstances, this is a fit case, in which pre-arrest bail can be granted. Hence, following order.

**O R D E R .**

1.Application is allowed.

2.Interim bail granted as per the order of this Court dated 16.06.2017 is hereby confirmed and made absolute.

3.Criminal application is disposed of.

**( K.L. WADANE, J. )**