

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

CRIMINAL APPLICATION (ABA) NO. 703 OF 2020

(Masarur Ahamad s/o Mansur Ahamad ..vs.. State of Maharashtra, through PSO, PS Sadar, Nagpur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Anisha Sharma, Counsel appointed for the applicant,
Mrs. S.S. Jachak, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 09-12-2020

Heard Ms. Anisha Sharma, learned Counsel appointed for the applicant and Mrs. S.S. Jachak, learned Additional Public Prosecutor for the non-applicant/State.

2. The applicant is the President of Muslim Organisation for Human Development which runs the Urdu Primary School.

3. The school submitted a proposal for grant for the academic year 2012-13.

4. The allegation is, as is discernible from the report lodged in March 2020, that while grant is payable qua the school and not divisions, the grant was secured for the two divisions. To be precise, while the school was entitled to grant of Rs.6,00,000/- (Rupees Six Lac), additional undeserved grant of Rs.6,00,000/- (Rupees Six Lac) was secured by submitting the proposal in the name of Urdu Primary School and Higher Primary

School.

5. Six co-accused are protected by the learned Sessions Judge. Since the applicant herein is the President of the institution, the pre-arrest protection is rejected on the premise that custodial interrogation is necessary.

6. While it is true that the proposal is signed by the applicant as the President, the facts are not really in dispute. A defence is taken, which is on record. I do not think that custodial interrogation is necessary in the facts of the case. That apart, the report is lodged in the year 2019 concerning the proposal submitted for the academic year 2012-13. It is not the case of the prosecution that the applicant has any criminal antecedent or he will not be available for further interrogation, if necessary.

7. The application is allowed.

8. In the event of arrest in Crime 158/2020 registered with the Sadar Police Station, Nagpur for offences punishable under Sections 420, 468 and 471 of the Indian Penal Code, the applicant shall be released on furnishing personal bond of Rs.25,000/- with a solvent surety of like amount, which surety may be furnished within four weeks from the arrest, if any.

9. The applicant shall attend the concerned police station as and when required by the Investigating Officer.
10. Failure to join the investigation shall entail cancellation of bail, if the prosecution makes such a request.
11. The applicant shall not influence the witnesses, directly or indirectly.
12. The fees of the learned appointed counsel be quantified and paid in accordance with the rules.

JUDGE

adgokar