

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD  
7 ANTICIPATORY BAIL APPLICATION NO.515 OF 2021**

PRAVIN DADARAO GHUGE  
VERSUS  
THE STATE OF MAHARASHTRA

...

Mr. V.D.Sapkal, Senior Counsel i/b Mr. S.R.Sapkal and Mr. Amarnath S.Sakhare, Counsel for applicant  
Mr. S.B.Narwade, APP for respondent-State

WITH  
**ANTICIPATORY BAIL APPLICATION NO.492 OF 2021**

1) KAKASAHEB EKNATHRAO JADHAV  
2) SOW KALPANA W/O KAKASAHEB JADHAV/GAWALI  
**VERSUS**  
THE STATE OF MAHARASHTRA

...

Mr. Nilesh S.Ghanekar, Counsel for applicants  
Mr. S.B.Narwade, APP for respondent-State

...

**CORAM : PRAKASH D. NAIK, J.**

**DATE : 22<sup>nd</sup> NOVEMBER, 2021**

**PER COURT:**

1] The applicants in both these applications apprehend arrest in Crime No.0262/201 registered with M.I.D.C. Waluj Police Station, Aurangabad for offences under Section 420, 468 and 471 read with 34 of Indian Penal Code (for short, 'IPC'). The First Information Report (for short, 'FIR') was lodged on 6<sup>th</sup> April, 2021.

2] The complainant has alleged that he is working as Senior Clerk in the Office of Education Officer (Secondary), Zilla Parishad, Chelipura High school, Aurangabad by order dated 6<sup>th</sup> April, 2021 issued by

Education Officer (Secondary), Aurangabad, he has been authorized to lodge complaint. On 6<sup>th</sup> April, 20-21, hearing was scheduled by Desk Officer, School Education and Sports Department, Mantralaya, Mumbai for deciding grants in Aurangabad district. During the hearing of the school Punjaram Maharaj Dnyanmandir, Ranjangaon Shenpunji, Tq.Gangapur was declared ineligible in the Government Resolution dated 28<sup>th</sup> February, 2021 for insufficient strength of students from 5<sup>th</sup> and 6<sup>th</sup> standard. During the hearing, the applicant Pravin Ghuge, Head Master of the school had presented the compliance report vide letter dated 6<sup>th</sup> April, 2021. The said report was presented by teacher Aatmaram Gore before the Committee along with school report card for the year 1918 – 19, stating that there was 32 boys in the 5<sup>th</sup> standard and 25 students in the 6<sup>th</sup> standard. The total number of students were 37. The report was verified on the Website and it was found that as per online record, there were 21 students in 5<sup>th</sup> standard and 22 students in 6<sup>th</sup> standard. Hence, it was revealed that the Head Master, Pravin Ghuge had preferred a false school report card for the year 1918 – 19 signed by him and submitted it before the Committee. By appointing Shri.Aatmaram Gore to represent the report along with Assistant Teacher, Shri. Jadhav and the president of the trust Shri. Kakasaheb Jadhav and secretary Kalpana Jadhav. All of them acted in connivance to each other have prepared the fabricated report and committed the offences.

3] The applicants had preferred application for anticipatory bail before the Sessions Court, which was rejected by order dated 6<sup>th</sup> May, 2021 and 30<sup>th</sup> April, 2021 respectively.

4] Learned Senior Advocate Mr.V.D.Sapkal, representing the applicants in ABA No.515 of 2021 urged several grounds in support of the relief sought in his application. It is submitted that applicant Pravin Ghuge was working as assistant teacher in Punjaram Maharaj Dnyanmandir, Ranjangaon. Under order dated 4<sup>th</sup> October, 2019, issued by Education Officer (Secondary), Zilla Parishad, Aurangabad, he was temporarily allowed to discharge financial and administrative powers of in-charge Head Master from 10.10.2019 to 31.12.2019. He was further allowed to discharge functions as in-charge Head Master by order dated 01.01.2020 till further orders. The school was receiving 20% grant. The proposal for receiving further additional 20% grant was rejected for lack of number of students in the last Division vide G.R. dated 12.02.2021. The schools were allowed to submit proposals by complying the objections to the Government. The proposal was submitted to correct Sanch Manyata for the year 2018 – 19. The applicant Pravin Ghuge has specifically stated that number of students on the students portal as well as in attendant register maintained by the schools are 37 in 6<sup>th</sup> standard. The Education Officer was requested to correct the number of students in 6<sup>th</sup> standard as 37 instead of 23. The proposal was handed over to the

teacher for presenting it to Education Officer. The said proposal was received by the Education Officer on 16.02.2021. The compliance proposal in accordance with G.R. dated 12.02.2021 was submitted by Mr. Ghuge to the Joint Secretary, Education and Sports Department by letter dated 23.02.2021. The said proposal was handed over to Art Teacher, Aniruddha Shrikishan Kalkumbe for presenting it to School Education and Sports Department. About 11 assistant teachers are working in the said school and sanction was accorded to appoint temporary appointment to assistant teachers by letter dated 25.11.2013. The students attendant register of 2018 – 2019 of 5<sup>th</sup> Standard was prepared by the Head Master. The proposal was handed over to Mr. Aniruddha Kalkumbe to present before the Committed on 06.04.2021. It was his responsibility to present the proposal before the Committee in person. No specific role has been assigned to the applicants. Custodial interrogation of the applicants is not necessary. The offences of cheating and forgery are not made out.

5] Learned Advocate Mr. N.S.Ghanekar appearing for applicants n ABA No.492 of 2021 submits that the applicants Kakasaheb Jadhav and Kalpna Jadhav had no knowledge about the proposal for grant of Class 5<sup>th</sup> and 6 standard. They had not signed on any proposal. Beneficiary teachers is not made accused. Kakasaheb Jadhav had filed complaint with Waluj MIDC Police Station on 6<sup>th</sup> September, 2018 alleging that Mahesh Patil had informed that he is getting 10 transfer certificates

through Shri. Kakasaheb Kalkumbe, which was refused by him. The applicants are not concerned with maintaining attendance muster and Website updation. There is no fabrication of documents. The case of the prosecution is based on documentary evidence. Custodial interrogation of the applicants is not necessary.

6] Learned APP submitted that the offences is of serious nature. Custodial interrogation of the applicants is necessary. The accused are involved in fabrication of documents. False proposal was submitted before the Committee for claiming grant for the school. Although, there is no required strength of students for sanctioning grant, false information was reported by the accused. There was variation with reference to strength of the students on the portal/website and the proposal submitted by the accused. The falsity was revealed when there was difference in the school report card uploaded on Website. The report card was issued under the signature of in-charge Head Master. One more case was registered against applicants Kakasaheb Jadhav and Kalpana Jadhav. Their custodial interrogation is necessary. During the investigation with Aniruddha Kalkumbe, it was revealed that he is working as assistant teacher in the said school from the year 2008. During the period 2018 – 2019, there were 21 students in 5<sup>th</sup> standard and 22 students in 6<sup>th</sup> standard. For lack of strength, the school was declared ineligible for 40% grant. Pravin Ghuge had forwarded the

proposal to Education Officer. False report for 2018 – 2019 was prepared and the file was presented before the Committee. The committee noticed discrepancies in the report. Aadinakh Adsare gave his name as Anil Aatmaram Gore and also gave false mobile number. The accused has tampered with the attendant register by pasting the register with another page for showing false attendance. The statements of the witnesses were recorded to show the involvement of the applicants. The applicants have not cooperated with the investigation.

7] On perusal of the documents on record, it is apparent that the case of the prosecution is that the accused Pravin Ghuge was in-charge Head Master. Initially, the school was had ineligible for grants. The accused had presented the compliance report by showing that there was sufficient students in 5<sup>th</sup> and 6<sup>th</sup> standard, which makes the school eligible for grants. The offence of Education Officer tried to verify the fact of strength of students from the Website Portal and variation was noticed. Thus, it is stated that false proposal claiming strength of students was submitted. It is also alleged that the attendant register was tampered to show the strength of students. The proposal was allegedly signed by applicant Pravin Ghuge. The other applicants Kakasaheb Jadhav and Kalpana Jadhav are not signatory to the said document. The applicants have contended that there was discrepancies with reference to the strength of the students on the Website/Portal. The proposal submitted

before the Committee, stating that the 5<sup>th</sup> and 6<sup>th</sup> standard of the school has sufficient students for claiming grants. It is pointed out that vide proposal dated 16<sup>th</sup> February, 2021 along with students portal data and attendant register for correction of number of students in Sanch Manyata for the year 2018 – 2019 was submitted. It was mentioned that there are 37 students in the 6<sup>th</sup> standard and the application was forwarded for sanction. Due to technical error, the number of students for the year 2019 2020 shown as 23, which requires to be corrected the strength of students as per attendant register and online forwarded print. Hence, the requested corrections be carried out. The applicants have also relied upon the attendance register and other documents. The attendance register shows that there were 37 students in 6<sup>th</sup> standard. The copy of the attendance register is annexed to this application. The case of the prosecution is that in the original attendance register, separate page was pasted to the right side of register. However, from the serial number of the students of 6<sup>th</sup> standard is appearing on the left hand side of Register. The serial number shows 37 students. The matter relates to documents. The applicants need not be subjected to custodial interrogation. Hence, I pass the following order.

### **ORDER**

- (i) Anticipatory Bail Applications No.515 and 492 of 2021 are allowed.

- (ii) Interim order dated 21<sup>st</sup> May, 2021 is confirmed.
- (iii) In the event of arrest of applicants in connection with CR No.0262 of 2021 registered with M.I.D.C.Waluj Police Station, Aurangabad, the applicants be released on bail on their executing P.R. Bond in the sum of Rs.50,000/- each, with one or two sureties in the like amount.
- (iv) Applicants shall report Investigating Officer as and when called for, till filing charge-sheet.
- (iv) Applications stand disposed of.

( PRAKASH D. NAIK, J. )

sarowar