

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

912 ANTICIPATORY BAIL APPLICATION NO.1079 OF 2021

Vilas s/o Mulchand Patil,
Age 56 years, Occ. Service,
R/o. Krish Height, Flat No.7,
Adarsh Nagar, Jalgaon,
Tq. & Dist. Jalgaon.

...Applicant.

VERSUS

The State of Maharashtra

...Respondent.

...

Mr. Vinod Prakash Patil, Counsel for the applicant
Mr. V.S.Badakh, APP for the respondent-State

...

CORAM : PRAKASH D. NAIK, J.

DATE : 13th OCTOBER, 2021

PER COURT:

1] This is an application for anticipatory bail in C.R. No. 276 of 2021 registered with Jalgaon City Police Station, District Jalgaon for the offences punishable under Sections 420, 464, 465, 468 and 471 of the Indian Penal Code.

2] It is alleged that the complainant is a treasurer of Khandesh Bahhudeshiya Sanstha, Bambhori (North Maharashtra knowledge City), Taluka Dharangaon, District Jalgaon since 2015. The applicant was appointed as Principal in the year 2013. Jyoti Sachin Patil was selected unanimausly as Secretary of Society from 2010-2015. After 2015, she was member. She was not holding any post. Applicant was performing work as per say of Jyoti Patil. His arrogance was noted by

Chairman and Directors of society. Due to complaint against him, the University has cancelled the examination Centre of the said institute. Irregularities were noticed in respect to salary of employees by applicant. The Board passed Resolution on 21.07.2019. Applicant was removed from post of Principal permanently. In September 2019, the college students deposited the balance fees with IDBI Bank, Branch Khandesh Complex, Jalgaon. On enquiry it was noticed that the said account was operated by Jyoti Patil and applicant. The accused had submitted Resolution dated 05.05.2019 regarding opening of Bank account. The complainant had not signed said Resolution. The accused had fabricated documents.

3] The contention of applicant is that AICTE issued letter on 01.07.2019 stating that there shall be digital payment by all technical institutions in the bank directly. Approved institution has to make all financial transactions accepting Educational fees of college and disbursing it through nationalised banks. Hence students were informed by communications dated 01.07.2019, 15.07.2019 and 17.07.2019 to deposit fees in Andhra Bank by providing account number. On 26.07.2019 his services were terminated. The amount is lying in Bank account.

4] Learned APP submitted that there was no genuine resolution for creating a separate account and depositing the amount directly into that account by the students towards their balance fees. The resolution, which was utilized was fabricated. The persons whose signatures are appearing on the resolution had denied having signed such resolution. The amount around rupees one lakh, which was deposited in the separate account was transferred into the account of Harijitsing Pawar. The specimen of handwriting of the applicant is necessary, since the resolution is fabricated. Custodial interrogation of the applicant is required.

5] In re-rejoinder learned counsel for the applicant submitted that Harijitsing Pawar is the Asst. Professor working in Engineering College and holding additional charge of Principal in ITI College. Undisputedly there is no misappropriation of the amount by the applicant. He further submitted that he is not signatory to the resolution, which is allegedly fabricated. He is willing to co-operate with the investigation and provide specimen of handwriting, if required by the Investigating Officer.

6] In the light of the observations made in the aforesaid paragraphs, it is apparent that the amount, which was deposited is not misappropriated by the applicant. Learned counsel for the applicant

also submitted that the amount, which was credited into the account of Harijitsing Pawar was adjusted as a salary on his request on account of the health condition of his father.

7] In view of the above, the custodial interrogation of the applicant is not necessary and the interim protection granted by this Court can be confirmed.

ORDER

- (i) Anticipatory Bail Application No.1079 of 2021 is allowed and disposed of.
- (ii) Interim order dated 4th October, 2021 is confirmed.
- (iii) In the event of arrest of applicant in connection with CR No.276 of 2021 registered with Jalgaon City Police Station, Dist.Jalgaon, the applicant be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iv) Applicant shall report Investigating Officer on 20th, 21st and 22nd October, 2021 at 11.00 am to 01.00 pm and thereafter, as and when called for, till filing of charge-sheet.

(PRAKASH D. NAIK, J.)