

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

921 ANTICIPATORY BAIL APPLICATION NO.1219 OF 2021

1. Vaibhav Vitthal Jadhav

2. Amol Vitthal Jadhav

Applicants

Versus

The State of Maharashtra

Respondent

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Mr. S.S. Jadhavar, Advocate for the applicants.
Mr. A.V. Deshmukh, A.P.P. for respondent - State.
Mr. D.R. Jethliya, Advocate assisting the PP.

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

DATE : 15-12-2021

ORDER :

1. The First Information Report (for short, 'FIR') is registered vide CR No.311 of 2021 with Naldurg Police Station, Taluka Tuljapur District Osmanabad for the offences punishable under Sections 420, 467, 468, 471 and 477A read with Section 34 of Indian Penal Code (for short, 'IPC'). The grievance of the complainant is that her husband had retired as Head Master from the school on 30th November, 2020. He died due to Covid-19 on 06.06.2021. The complainant had approached school for post retirement benefits. The applicant No.1 is the Chairman and the applicant No.2 is the clerk in the said School. Both are brothers. The service book, which was required for claiming the retirement benefits

was not provided to the complainant. It was deliberately destroyed by the accused. It is also alleged that the accused have also committed offences of forgery. They prepared false release document and committed offence of forgery.

2. On 20th October 2021, learned counsel for applicants, on instructions, submitted that Asst.Commissioner, Social Welfare Department has granted permission to prepare the duplicate service book, which direction would be complied by the school authority. Both sides were heard and interim protection was granted to applicants. The applicants were directed to report Investigating Officer on 25th and 26th October 2021.

3. Learned APP submitted that the applicants have also preferred an application for quashing the FIR before this Court, which is pending. The service book was not made available to complainant. It was deliberately destroyed.

4. The complainant had preferred Writ Petition No. 9014 of 2021 before this Court. The petition was disposed of by order dated 15.11.2021. It was observed that the grievance of the petition is that, though her husband retired on 30.11.2020 and subsequently died in June 2021, the retiral benefits are not paid nor the proposal for pension / family pension and retiral benefits is forwarded by the management. It was submitted at the instance of the applicants that, on 12.11.2021 the proposal has been forwarded to the

Assistant Commissioner, Social Welfare, Osmanabad for grant of retiral benefits as well as pensionary benefits. The service book was lost, the same was reconstructed and proposal was forwarded. The authorities were directed to consider the proposal on merits and take further decision on it, so also forward it to the competent authority i.e. Accountant General, Nagpur within a period of two months. If any deficiency arises, the management shall comply with the deficiency in the said proposal. Upon receipt of proposal, the final decision shall be taken with regard to retiral benefits / pensionary benefits preferably within a period of six months.

5. Learned Counsel for the applicants submitted that letter dated 30.11.2021 is issued by Regional Deputy Commissioner, Social Welfare Department, Latur to Assistant Commissioner, Social Welfare Department, Osmanabad directing him to process and forward the proposal of complainant's husband.

6. In view of the above, the applicants need not be subjected to custodial interrogation.

ORDER

- (i) ABA No. 1219 of 2021 is allowed.
- (ii) Interim order dated 20th October 2021 is confirmed.
- (iii) In the event of arrest of the applicants in Crime No.311/2021 registered with Naldurg Police Station, Taluka Tuljapur, District Osmanabad, the

applicants be released on bail on executing P.R. bond in the sum of Rs. 20,000/- each, with one or more sureties in the like amount.

- (iv) The applicants shall report the Investigating Officer on 22.12.2021 and 23.12.2021 between 11.00 a.m. and 1.00 p.m.
- (v) The applicant shall produce requisitioned documents before the Investigating Officer.
- (vi) The application stands disposed of.

(PRAKASH D. NAIK, J.)

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