

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION (ST) NO.340 OF 2021

Dr.Ayyubi Manzoor Hasan Mohd. Ayyub Applicant

versus

State of Maharashtra Respondent

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- Mr.Narayan R. Bubna, Advocate for Applicant.
- Mr.Amey Deshpande, Advocate for Intervenor.
- Mr.Ajay Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 12th JANUARY 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.111/2020 dated 29/12/2020 registered with Azad Nagar Police Station, Malegaon, under sections 420, 506 r/w 34 of the Indian Penal Code.

2. The FIR is lodged by one Shagupta Parvin Mohd. Farukh. She has stated that she is studied upto B.A. (Urdu), D.Ed. T.E.T. She was in search of a job. In May 2016 she came

across an advertisement in a newspaper for two posts of teachers in Sardar Primary School Khushamatpura, which was run by Citizen Welfare Education Society, Malegaon. The Applicant was Chairman of that Trust. The interview of the first informant was conducted. The Principal of school Ayub Shahid Akhtar told the informant's father that the informant had cleared the interview and he asked them to meet the Applicant. On 05/06/2016, the informant's father and husband met the Applicant. They were told that the informant had the requisite qualification and she had cleared the interview. The Applicant assured that she could be absorbed in one of the posts of a teacher on aided post because of retirement of two teachers, but they had to pay Rs.15 lakhs for that. The informant's father had recently sold their handloom factory and had received Rs.10 lakhs. Out of that Rs.5 lakhs were given to the Applicant in presence of her husband, her father's friend Shakil Ahemed Ikbale Ahmed, Mukhtar Ahmed and Shafiq Ahemed Abdul Masjid. At that time, the Applicant had assured that the informant would get a job, but no order was issued, instead two other candidates were appointed. The

informant and her family met the Applicant asking him about it. He told them that if he had been given Rs.15 lakhs, then she would have been selected. The informant then pursued the matter with higher authorities, but there was no relief. On 01/04/2017 the Applicant was given Rs.10 lakhs by the informant's husband and father in presence of the aforesaid mentioned witnesses. Thus, the Applicant in all accepted Rs.15 lakhs, but inspite of that the informant was not given proper job. It is the case in the FIR that the Applicant had given her a letter under his own signature that he had received Rs.15 lakh and that he would appoint the informant as one of the teachers. However, nothing further was done by him and the informant was not appointed. She was however asked to teach in the school since 2018, but her salary was not started. Approval for that purpose was not given. The Applicant then directed the informant to meet Shabad Ahmed Shakil Ahmed and Navid Akhtar. They demanded Rs.5 lakhs for grant of approval. The Applicant did not take any steps to absorb the informant as one of the teachers on aided post. Therefore this FIR is lodged.

3. Heard Mr.Narayan R. Bubna, learned counsel for the Applicant, Mr.Mr.Ajay Patil, learned APP for the State and Mr.Amey Deshpande, learned counsel for the Intervenor.
4. Learned counsel for the Applicant submitted that it is a concocted story and a false FIR is lodged only to pressurize the Applicant. He submitted that, on 28/11/2020, the Applicant himself had given a written complaint to Assistant Superintendent of Police, Malegaon, about the pressure tactics used by the informant for securing a job. He submitted that the letter purportedly issued by the Applicant is not in fact issued by him and the signature on that letter is a forged signature. However, if the higher authorities had not sanctioned her job, the Applicant cannot be held responsible.
5. The learned APP and the learned counsel for the intervenor opposed this application. They relied on the FIR to contend that in the backdrop of serious allegations, custodial interrogation of the Applicant was necessary.

6. Learned APP produced the investigation papers before me. The statements of Shakil Ahemed Ikbal Ahmed, Mukhtar Ahmed show that at the first instance Rs.5 lakhs were handed over in cash by the informant's father and informant's husband to the Applicant. Similarly on 01/04/2017 they had paid Rs.10 lakhs in the presence of this witnesses. Similar is the statement of Principal of the school Ayub Shahid Akhtar. Atleast this witness Ayub is an independent witness in whose presence cash of Rs.15 lakhs was given. Therefore, at this stage, there is sufficient corroboration to the allegations made by the first informant that the Applicant had taken big amount of Rs.15 lakhs.

7. The Applicant is claiming that he has done everything within his powers to absorb the informant in place of one of the teachers. However, there is no justifiable reason, for accepting Rs.15 lakhs for that purpose. Even leaving aside the statement of friends of informant's father, the statement of Principal Ayub,

shows that he was present when those amounts on two occasions were given to the Applicant, when the Applicant had made promise of giving her a job.

8. Thus, the offense is serious and the informant has lost her money on false promises. The custodial interrogation of the Applicant is necessary. No case for grant of anticipatory bail is made out. The application is therefore rejected.

(SARANG V. KOTWAL, J.)