

Aniruddha Krushna Zalte & Ors.	..	Applicants
Versus		
State of Maharashtra	..	Respondent

INTERIM APPLICATION NO.2062 OF 2021

In the Matter Between :-

Aniruddha Krushna Zalte & Ors. .. Applicants

Versus

State of Maharashtra .. Respondent

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Mr.Manoj Mohite, Senior Advocate with Mr.Ritesh Thobde for the Applicants.

Mr. Priyal G. Sarda for the Intervenor.

Mr.A.R.Kapadnis, APP for the State.

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CORAM: BHARATI DANGRE, J.

DATED : 25th AUGUST, 2021

P.C:-

1. Applicant No.1 is a President whereas applicant Nos.2, 4, 5 and 7 are women trustees of Vidyamandir Sanstha, Barshi and all of them are senior citizens, barring applicant Nos.3 and 5. They are arraigned as accused in C.R.No.239 of 2021

registered with Vairag Police Station, District Solapur, invoking the offences punishable under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code (for short, “**IPC**”) at the instance of the complainant, who has filed an application for intervention and is represented by learned counsel Mr.Priyal Sarda.

2. The offence came to be registered on an order passed by the learned J.M.F.C., Barshi on 20/05/2021, on a complaint being instituted by the intervenor on 25/02/2021. Learned Magistrate, while directing the investigation at the instance of the Vairag Police Station, has observed as under :-

“It is alleged by applicant, that, in furtherance of their common intention, non-applicants achieved economic gain by recruiting persons on the basis of minority status which was obtained by deceiving the government. Allegations also relate to creating bogus documents to acquire minority status. Allegations are of serious nature. The copy of notary list of current members at Exh.3/9 is filed by applicant and applicant has alleged the involvement of all non-applicants. Applicant has stated in application that Kashinath Ujankar and Narsinh Pimparkar are deceased. There are allegations of cheating and forgery which are cognizable offences. Whether the documents submitted to acquire minority status are bogus or not, who has created the alleged bogus certificates including the alleged bogus signatures and stamps on the certificates needs to be investigated. Moreover, allegations as to recruitment policy and donations also needs to be investigated. Allegations are of such nature that, assistance of police is necessary for investigation to reveal factual position by collecting further evidence. It is therefore, appropriate to direct investigation as per section 156(3) of Cr.P.C.”

3. Pursuant to this order, the subject FIR is registered and the applicants are apprehending their arrest in the said C.R.

4. Learned senior counsel Mr.Mohite appearing for the applicants has invited my attention to the FIR, which can be encapsulated to the effect that all the accused persons are the trustees of Vidyamandir Sanstha, Taluka Barshi, District Solapur, which is established in the year 1954. When the Trust was registered, it comprised of persons from different castes and religions and it did not possess minority status. However, in order to avail the benefit of recruiting the persons from Jain community, an application came to be preferred to the Minority Development Department of the State Government, seeking a minority status and the complainant allege that for procuring the said status, certain documents were forged by the accused persons and the forgery that is alleged is that three of the trustees, who belonged to Brahmin community and one trustee, who is a Maratha, were shown as belonging to Jain community by fabricating the documents from school register. Further, it is alleged that it was projected before the State Government that more than 50% persons in Trust belong to Jain community and based on this projection, the State Government conferred minority status on Vidyamandir Sanstha w.e.f. 11/04/2016.

5. It is further alleged that by availing the minority status, four teachers came to be appointed, who are named in the complaint and it is alleged that they were paid salary of Rs.50,000/- per month from April 2018 to January 2019 and total amount of Rs.99,00,000/- is expended towards their salary. The allegation is that this has caused loss to the financial exchequer of the Government. Another accusation

levelled is that while recruiting these persons, the present applicants had obtained donation of Rs.15 to 20 lakhs.

This is the precise allegation, which resulted in registration of the crime by invoking Sections 420, 467, 468, 471 read with Section 34 of IPC.

6. Mr.Mohite, learned senior counsel, has invited my attention to the two vital documents, first being the withdrawal of the minority status conferred on the Trust by the Minority Development Department of the State Government by an order dated 01/09/2018. The said order record that the status which was conferred on the said Trust was obtained by misleading the Government and by producing some fraudulent documents. It is also recorded in the said order that the projection given to the effect that 50% of the trustees belong to Jain community is also incorrect and that is why the State Government withdrew its earlier order dated 11/04/2016 and resultantly, the minority status conferred on the Trust stood withdrawn from the said date.

As far as the allegation qua the appointment of four employees is concerned, though it is submitted and also recorded by the learned Magistrate that the appointments were effected, on the Trust being conferred with the minority status, the said allegation and observation of the learned Magistrate appear to be *prima facie* incorrect as the date of appointment of all the four candidates is prior to conferring of minority status and they have been appointed on various dates in the year 2013 and in the year 2014, when grant was made

admissible, they have been receiving the salary from the grant of the State Government. The second document to which the learned senior counsel has invited my attention is an order passed by this Court in a Writ Petition instituted by all the four employees named in the complaint, where the Division Bench by order dated 06/12/2017, quashed and set aside the order passed by the Education Officer and by the judgment delivered by this Court, the order of the Education Officer staying his own orders granting approval to the appointments of the petitioners, is quashed and set aside. The appointment of these teachers, which is effected prior to the conferment of the minority status, has been confirmed by this Court and the allegation that taking advantage of the minority status, the aforesaid four employees are appointed, *prima facie*, appears to be incorrect.

7. As far as the allegation of forgery, which forms the part of the complaint is concerned, the minority status which is granted by the State Government, is withdrawn by the State Government itself by taking note of the complaint made to it and the fact that status was obtained by playing a fraud being brought to its notice. In such circumstances, the Trust no longer enjoys the minority status and it was always open for the State Government to direct initiation of criminal proceedings against those, who played a fraud and preferred an application before the State Government, but it restrained itself from doing so. Moreover who has played fraud is also not deciphered in the order of the State Government.

Much water has flown after the minority status has been withdrawn and it is not that the investigation into allegations of fraud or forgery cannot continue after three years and it is always open to unearth the fraud which is alleged since fraud vitiates any action, but for the said purpose, custodial interrogation of the applicants, in my considered opinion, is not warranted and the applicants are entitled to be released on bail in the event of their arrest, subject to the stipulation that they shall co-operate with the investigation. Hence, the following order.

: **ORDER** :

- (a) The application is allowed.
- (b) In the event of arrest in C.R.No.239 of 2021 registered with Vairag Police Station, District Solapur, Applicant No.1-Aniruddha Krushna Zalte, Applicant No.2-Mrunal Jayant Bhumkar, Applicant No.3-Bhushan Jayant Bhumkar, Applicant No.4-Prerna Mrunal Bhumkar, Applicant No.5-Leena Bhushan Bhumkar, Applicant No.6-Vijaykumar Raghunath Bandewar and Applicant No.7-Suvarna Jayant Bhumkar shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- each, with one or two sureties of the like amount.
- (c) The applicants shall report to the concerned police station as and when called for.
- (d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from

disclosing the facts to Court or any Police Officer and shall not tamper with the prosecution evidence.

8. It is made clear that the observations made hereinabove are *prima facie* in nature and limited for the purpose of adjudication of the present application and have no bearing on the merits of the matter.

9. Interim Application No.2062 of 2021 stands disposed of accordingly.

(SMT. BHARATI DANGRE, J.)