

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (ABA) NO. 174 OF 2021

(Kailash s/o Gomaji Malame and another ..vs.. State of Maharashtra, through PSO, PS Sakoli, District
Bhandara)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.M. Quazi, Counsel for the applicants,
Mr. N.S. Rao, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 09-04-2021

Hearing was conducted through video conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The applicants are apprehending arrest in Crime 64/2021 registered with Sakoli Police Station for offences punishable under Sections 420, 465, 468, 469 and 471 read with Section 34 of the Indian Penal Code.

3. Applicant 1 is the Secretary of the Updesh Bahu-Uddeshiya Shikshan Sanstha which manages a junior college. Applicant 2 was, at the relevant time, the Principal.

4. The allegation is that in August 2015 co-accused Rajesh Mankar was appointed as English Teacher. According to applicant 2, it was he who sent the degree submitted by Rajesh Mankar for verification and learnt

that the degree is fake. Applicant 2 submits that he resigned from the post in December 2017 and further also cautioned the new Principal and the then President that the degree submitted by Rajesh Mankar is fake.

5. In so far as applicant 1 is concerned, he submits that there was no coordination between him and the President in view of a factional feud in the management, and when applicant 1 suspected that degree is not genuine, it was he who directed the Principal to examine the issue.

6. It does not appear to be the case of the investigating agency that the applicants are involved in the forgery. Rather, the case appears to be that having learnt that the degree is fake, the applicants did not act with promptitude.

7. Considering the nature of the allegations, the applicants can be protected since the investigation is not likely to be affected.

8. The interim protection granted vide order dated 18th March, 2021 is made absolute with the only modification that till the charge-sheet is filed, the applicants shall attend the concerned police station, as and when required.

JUDGE