

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

**945 BAIL APPLICATION NO.329 OF 2022**

1. Nitin s/o Dnyaneshwar Mahalkar  
Age: 23 years, Occu.: Service,  
R/o.Khandi Pimpalgaon,  
Tq.Khultabad, Dist.Aurangabad.
2. Sachin s/o Dnyaneshwar Mahalkar  
Age: 25 years, Occu.: Service,  
R/o.Khandi Pimpalgaon, Tq.Khultabad,  
Dist.Aurangabad.
3. Umesh s/o Pramodrao Chavan  
Age: 30 years, Occu.: Service,  
R/o.Kingaon, Tq.Phulambri,  
Dist.Aurangabad.
4. Pratik s/o Pramodrao Chavan  
Age: 26 years, Occu.: Service,  
R/o.Kingaon, Tq.Phulambri,  
Dist.Aurangabad.
5. Sopan s/o Uttamrao Khandebharar  
Age: 25 years, Occu.: Service,  
R/o.Longaon, Tql.Bhokardhan,  
Dist.Jalna.
6. Rohan s/o Shivaji Jadhav  
Age: 23 years, Occu.: Service,  
R/o. Amrawati, Dist.Amrawati.
7. Vishal s/o Ram Tayade  
Age : 20 years, Occu.: Business,  
R/o.Near Shani Mandir, Jalna  
Tq.Jalna, Dist.Jalna.

..Applicants/  
Petitioners  
(Orig. Applicants)

VERSUS

The State of Maharashtra,  
Through City Chowk Police Station,  
Aurangabad, Tal. & Dist.Aurangabad.

..Respondent  
(Orig. Respondent)

...  
Advocate for Applicants : Shri N.S.Ghanekar h/f. Shri S.P. Pandav  
APP for Respondent : Shri G.O.Wattamwar

...  
**WITH**  
**BAIL APPLICATION NO.236 OF 2022**

Sonali W/o Dnyaneshwar Kale  
Sonali D/o Bhanudas Namekar  
Age: 35 years, Occu.: House hold,  
R/o.Pan Ranjangaon, Tq.Paithan,  
Dist.Aurangabad at present Shrikrushna  
Nagar, Varud Fata, Shendra MIDC,  
Aurangabad.

..Applicant  
(Original Accused)

VERSUS

The State of Maharashtra  
Through Police Inspector,  
City Chowk Police Station,  
Aurangabad, Dist.Aurangabad.

..Respondent

...  
Advocate for Applicant : Shri U.L.Telgaonkar  
APP for Respondent : Shri G.O.Wattamwar  
...

**CORAM : M.G.SEWLIKAR, J.**

**DATE: 16<sup>th</sup> March, 2022**

**PER COURT :-**

1. Both these applications are disposed of by common order as they arise out of the same crime.

2. By these applications, the applicants are seeking their release on bail in connection with Crime No.0076 of 2021, registered with City Chowk Police Station, District Aurangabad,

under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code.

3. It is alleged in the FIR that the Municipal Corporation, Aurangabad did not publish any advertisement for recruitment of the post of Divisional Officer or Fire Officer in Fire Brigade Department. On the WhatsApp account of the Municipal Commissioner-cum-Administrator he got a message on his cell phone that in the Fire Brigade Department appointments have been given to nine candidates including the applicants in Bail Application No.329 of 2022. The informant was asked to enquire and submit report. On enquiry, it was found that all these orders were fake orders. Municipal Corporation, Aurangabad did not publish any advertisement for filling up the posts of Divisional Officer or Fire Officer. He, therefore, lodged the report on the basis of which crime as aforesaid came to be registered.

4. Heard Shri N.S.Ghanekar, learned counsel holding for Shri S.P.Pandav, learned counsel for the applicants in Bail Application No.329 of 2022, Shri U.L.Telgaonkar, learned counsel for the applicant in Bail Application No.236 of 2022 and Shri G.O.Wattamwar, learned APP for the respondent.

5. When this Court expressed its disinclination to grant relief to the applicant in Bail Application No.236 of 2022, Shri Telgaonkar, learned counsel, on instructions, sought permission to withdraw the application with liberty to approach the concerned Court for regular bail after filing of the charge-sheet.

Leave granted with liberty as prayed.

6. So far as applicants in Bail Application No.329 of 2022 are concerned, Shri Ghanekar, learned counsel submits that the applicants were lured by accused Sonali Kale and other accused to apply for the post of Divisional Officer and Fire Officer. Advertisement was also texted on their WhatsApp account. He submits that all the applicants are in service and they were asked to undergo training by accused Sonali Kale and other accused. He submits that all these applicants paid the fees of the courses allegedly undertaken by the other accused. He submits that the applicants are infact the victims.

7. Shri Wattamwar, learned APP for the respondent submits that applicants, without verifying whether advertisement was issued or not, made the applications. He submits that the letters of Municipal Corporation were forged. Not only this, letter-head of the Registrar of this Court was forged to indicate that some

dispute was going on and therefore, appointment orders cannot be given. He submits that offence is serious in nature. Therefore, applicants may not be released on bail atleast till filing of the charge-sheet.

8. Perused the investigation papers. It appears that the applicants paid the amount of the fees to the accused. From the investigation papers, it appears that this amount was deposited in the account of accused Sonali Kale. They were given the appointment orders. They were given to understand that because of some dispute pending in this Court, they cannot be allowed to join the duties. From the investigation papers, it appears that the applicants did not play any role in forging the documents, letter-heads of Office of this Court. *Prima-facie* they appear to be the victims. I am, therefore, inclined to release them on bail. Hence, the order.

### **ORDER**

- i) Bail Application No.236 of 2022 is disposed of as withdrawn with liberty to approach the concerned Court for regular bail after filing of charge-sheet.
- ii) Bail Application No.329 of 2022 is allowed.

iii) Each of the Applicant Nos.1 to 7 be released on P.R.Bond of Rs.20,000/- (Rs. Twenty thousand only) with one solvent surety in the like amount, in connection with Crime No.0076 of 2021, registered with City Chowk Police Station, District Aurangabad, under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code, and on condition that they shall not interfere in the investigation, they shall not pressurize the witnesses and they shall attend the concerned Police Station on every Sunday between 10:00 a.m. and 03:00 p.m. till filing of the charge-sheet.

iv) Bail Applications are disposed of.

v) It is clarified that the observations made in this order are restricted to the disposal of these applications only and the trial Court or the Investigating Officer shall not get influenced by the observations of this Court.

**( M.G.SEWLIKAR )**  
**JUDGE**