

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Anticipatory Bail Application No. 75 of 2022

Madhukar S/o Ranglal Pawar

Versus

State of Maharashtra, through its Police Station Officer, Barshitakli Police
Station, District Akola

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Anil Mardikar, Senior Advocate assisted by Shri
S.G.Joshi, Advocate for the applicant.

Shri V.A.Thakre, APP for the non-applicant.

Shri Ram Karode, Advocate assist to prosecution.

**CORAM : ANIL S. KILOR, J.
DATED : 7th MARCH, 2022.**

In this matter, the allegations made by the complainant are that by tampering and forging the record, the applicant submitted a proposal for grant of extension of term of the applicant from the age of 62 to 65 years as a Principal of the College. Thereupon, a crime was registered as Crime No. 688 of 2021 with police station Barshitakli Police Station for the offence punishable under Sections 420, 467, 471 of Indian Penal Code.

2. Shri Anil Mardikar, learned Senior Advocate submits that the complainant is the real brother of the applicant and out of rivalry the false complaint was lodged against the applicant to falsely implicated him in the alleged offence.

3. It is pointed out that the requirement for grant of extension, as per the Government Policy, is to have a recommendation of Performance Review Committee constituted under the Government Resolution dated 5th March, 2021. It is submitted that only on the recommendation of Performance Review Committee, term can be extended from 62 years to 65 years. He therefore, submits that documents which are alleged to have forged by the applicant have no relevance for the purpose of extension of term from the age of 62 to 65 years.

4. It is further submitted that on 2nd February, 2022, this Court had granted ad-interim anticipatory bail to the applicant and as per one of the conditions, the applicant attended the concern police station once when the applicant was called. It is submitted that there is no complaint of misuse of liberty granted to the applicant.

5. On the other hand, Shri Thakre, learned Additional Public Prosecutor submits that investigation is going on and presently the investigation is at preliminary stage. He further submits that the material available on record, *prima-facie* shows the involvement of the applicant and therefore, he prays for rejection of the application.

6. Shri Karode, learned advocate who is assisting the prosecution on behalf of the complainant, submits that a criminal report was lodged by the complainant about the misappropriation of more than 4 crores by the applicant. However, the police have not taken any cognizance of the same. It is pointed out that though the Committee did not recommend the name of the applicant for extension, he is continued as Principal. He further submits that signatures of the complainant on the documents pertaining proposal to extension of term of the applicant from 62 years to 65, are not of the complainant and the same are forged one. Accordingly, he prays for rejection of the present application.

7. On perusal of the case diary and also going through the documents filed alongwith the application, *prima facie* I am of the opinion that as per the Government Resolution dated 5th March, 2021, the

recommendation of Performance Review Committee is relevant and unless there is recommendation of Performance Review Committee, extension cannot be granted.

8. In view of the above facts, *prima facie* the documents alleged to have forged have no relevance for the purpose of extension of term of the applicant as superannuation from 62 to 65 years. Thus, *prima facie* no incriminating material is available against the applicant. In that view of the matter, I am of the opinion that ad-interim anticipatory order dated 2nd February, 2022 needs to be confirmed.

9. Criminal Application is allowed.

10. Order dated 2nd February, 2022 is confirmed.

[ANIL S. KILOR, J.]

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