

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

ANTICIPATORY BAIL APPLICATION NO.84 OF 2023

SATYAPRAMOD GOVINDRAO KULKARNI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Satej S. Jadhav, Advocate for Applicant

Mrs. R. P. Gour, APP for Respondents – State

Mr. Rajesh Kale, Advocate a/w Mr. R. J. Nirmal, Advocate for
Informant

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 07th FEBRUARY, 2023

PER COURT :

1. Applicant apprehends arrest in Crime No.568/2022, registered with Omerga Police Station, District Osmanabad, for offence punishable under Sections 409 and 420 of the Indian Penal Code.
2. FIR is lodged by Diliprao Sadashivrao Pawar, Secretary of Samaj Seva Shikshan Sanstha, Naichakur, Taluka Omerga, District Osmanabad, alleging that applicant was serving as Headmaster at Shri Sharadchandrajji Pawar, Prathamik Vidyalaya, Naichakur, from 2000 to 2019. Applicant misused his position and misappropriated amount of Rs.64,825/-, which was received by the School for mid-day meal of students. Applicant has taken away important documents, correspondence, duplicate copies of salary bills of the employees and cheque book.

3. Heard learned advocate for applicant, learned Additional Public Prosecutor for State and learned advocates for informant. Perused the investigation papers.

4. It is the case of applicant that Smt. Shobha Chaudhari was made in-charge Headmistress of the school and she took charge of the said post on 01/05/2019 and applicant has handed over keys, stamps, cheque book, passbook, her original and duplicate service book and username and password for online work, on 01/05/2019. The said fact is intimated by Smt. Chaudhari to Education Officer, Osmanabad. Further, the learned advocate for applicant submits that grants for the mid-day meal are never received on time and he had to manage the mid-day meal of students and after grants are received, he used to pay back to the persons from whom he had borrowed amount for mid-day meal. Applicant was suspended and inquiry was conducted against him. Learned advocate for informant submits that applicant is dismissed from service pursuant to the inquiry.

5. Admittedly, the offence has taken place between 04/05/2016 to 30/04/2019. Applicant is suspended from 30/04/2019. Taking into consideration the material collected during the investigation and documents placed on record, *prima facie*, it is not possible to believe that applicant has carried some important documents with him.

6. Applicant was granted interim protection and he has attended police station and cooperated in the investigation. Pre-trial custodial detention of the applicant, in the facts of the present case, is not warranted.

7. In the result, application is allowed.

8. In the event of arrest of applicant in Crime No.568/2022, registered with Omerga Police Station, District Osmanabad, for offence punishable under Sections 409 and 420 of the Indian Penal Code, applicant be released on executing Personal Bond of Rs.15,000/-, with one surety in the like amount.

9. Till filing of charge-sheet, applicant shall attend concerned police station, as and when called by investigating officer. Applicant shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)