

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1468 OF 2023

Rahul Vaijnath Kshirsagar

Applicant

Versus

The Superintendent of Police & another

Respondents

Mr. P. P. More, Advocate for the applicant.

Mr. M. K. Goyanka, APP for the State.

Mr. M. N. Shaikh, Advocate holding for Mr. S. S. Kazi, Advocate for the informant.

CORAM : R. M. JOSHI, J.

DATE : 1st DECEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 240/2023 registered with Nilanga Police Station, District Latur for the offences punishable under Section 419, 420, 467, 468, 471, 472 read with Section 34 of Indian Penal Code.

2. Khayyum Khurshid Mulla who is claiming himself to be the Secretary of Gandhi Peoples Education Society, Nilanga, has lodged report claiming that his mother is the Chairperson of the said trust and he is working as Secretary thereof. It is alleged that co-accused by posing himself to be the Chairperson of the said trust has

passed bogus resolution and bogus appointment letter was given favour of the applicant herein. It is alleged that both accused persons in collusion have committed this crime. Except this, there is absolutely no whisper about any other allegation.

3. Learned counsel for applicant submits that the applicant is appointed as Headmaster after resignation of the erstwhile Headmaster. It is submitted that since he is working as Headmaster of the school and is authorised by the Managing Committee he is operating the bank account of the school. It is submitted that till date the appointment of applicant has not been challenged by the informant or any other person.

4. Learned counsel for the informant claims that though the informant has lodged report, his entire complaint is not recorded in the report. When he was called upon to place such entire complaint as claimed on record, he is unable to place the same before this Court. It is his further submission that the applicant herein has opened parallel bank account and thereby the applicant has misappropriated the fees as well as funds received by the school. Learned APP also opposed the application.

5. Perusal of the First Information Report indicates that there is only allegation made to the extent that appointment of the applicant as Headmaster is on the basis of bogus resolution and bogus stamp and signature. Record indicates that co-accused in the capacity of Chairperson of the trust has issued appointment letter to the applicant. Undisputedly, said appointment has not been challenged till date. Applicant has placed on record copy of bank passbook as well as audit report indicating the said account being audited. Record further indicates that there are disputes between the parties claiming control over the management of the trust. It therefore cannot be permitted to say that there is any fabrication of document or any bogus document is created. If informant or any other person is aggrieved by appointment of applicant, the same could have been challenged. Moreover, the issue pertaining to management of trust would be taken up before the Charity Commissioner. Suffice it to say that prima facie, no offence seems to have been committed by the applicant. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb