

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 30 OF 2023

Shaikh Danish Shaikh Sagir Bagwan Applicant

Versus

The State of Maharashtra
and another Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 1800 OF 2022

Shaikh Salim Ahmed Shaikh Supdu Pinjari Applicant

Versus

The State of Maharashtra
and another Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 1418 OF 2022

Shaikh Jabbar Shaikh Salim Qureshi Applicant

Versus

The State of Maharashtra
and another Respondents

.....

Mr. Satej S. Jadhav, Advocate for the Applicants in
ABA/30/2023 & ABA/1418/2022

Mr. Abhaysinh K. Bhosle, Advocate for the Applicant in
ABA/1800/2022

Mr. V.S. Badakh, APP for Respondent Nos. 1 and 2 – State

Ms. Nayana P. Patil, Advocate for the Informant

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 17th JANUARY, 2023

ORDER :

1. The applicants apprehend their arrest in connection with Crime No. 70 of 2022, registered with Savda Police Station, District Jalgaon for offences punishable under sections 420, 406, 465, 466, 467, 468, 471, 409, 201, 120-B, read with 34 of the Indian Penal Code.

2. FIR is lodged by Shaikh Harun Shaikh Iqbal against 11 accused persons alleging that the applicants, who were working as Teachers in Anglo Urdu High School have forged the documents in collusion with other committee members, and have obtained salary without rendering any service as School Teachers. No advertisement was issued while appointing the applicants, and the Teachers working in the said school stated that the applicants never attended the school and never discharged their duty as Teachers, still they have obtained salary of Teachers.

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

4. Charge-sheet is filed in the present matters on 05/08/2022 against 14 accused persons including present applicants as accused Nos. 7, 8 and 9, and the case is numbered as RCC No.121 of 2022. Perusal of charge-sheet reveals that Investigating Officer has seized all the documents, which are allegedly forged by the applicants and other accused persons.

5. Learned Additional Public Prosecutor opposing the applications stated that custody of the applicants is necessary for obtaining their specimen signature and natural handwriting. He further submits that applicants and other accused persons pressurized the Teachers at the relevant time, who stated in favour of applicants that applicants have worked as Teachers in the said school. He, therefore, submits that there is sufficient material on record to show the involvement of applicants, and therefore, they are not entitled for discretionary relief of anticipatory bail.

6. Considering the fact that documents allegedly forged by the applicants are already seized by the Investigating Officer, and charge-sheet is already filed, the only purpose for which the applicants' presence is required is to obtain their specimen signature and natural handwriting. For that, by

imposing suitable conditions, the same can be obtained from the applicants, pre-trial custodial detention of the applicants is therefore not necessary.

7. In the result, applications are allowed. In the event of arrest of applicants in connection with Crime No. 70 of 2022, registered with Savda Police Station, District Jalgaon for offences punishable under sections 420, 406, 465, 466, 467, 468, 471, 409, 201, 120-B, read with 34 of the Indian Penal Code, applicants shall be released on bail on furnishing Personal Bond of Rs. 15,000/- each, with one surety each in the like amount.

8. Applicants shall attend concerned police station everyday from 19th January, 2023 to 21st January, 2023 between 10.00 a.m to 12 noon and shall give their specimen signature and handwriting, and shall co-operate in the investigation. The applicants shall not in any manner influence the prosecution witnesses. The applicants shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE