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32.aba.673.2023 & 729.2023

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

CRIMINAL APPLICATION (ABA) NO.673 OF 2023

Anil Ramchandra Musale

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Gadchandur,
Chandrapur

with

CRIMINAL APPLICATION (ABA) NO.729 OF 2023

Yogita Chandradas Shedmake

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Gadchandur,
District Chandrapur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Rajnish Vyas, Advocate for applicant in ABA No.673/2023.
Mr. P V. Navlani, Advocate for applicant in ABA No.729/2023.
Ms. Trupti U. Udeshi, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 21/12/2023

1. By these applications, the applicants are seeking pre-arrest bail in connection with Crime No.339/2023, registered with Police Station, Gadchandur, District Chandrapur for the offence punishable under Sections 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code.

2. The applicants in both the applications are apprehending arrest as crime is registered on the basis of report lodged by Sachinkumar Malvi on an allegation that the applicant namely Anil Ramchandra Musale was

appointed on the post of Principal with Prabhu Ramchandra Vidyalaya in the year 2011 and the applicant Yogita Charandas Shedmake was serving as a teacher. The said school is run by Rashtriya Sant Tukdoji Maharaj Society which is registered under the Bombay Public Trust Act as well as Societies Registration Act. It is alleged in the report that the informant is In-charge Block Education Officer and the applicant Yogita Shedmake who was working from 04.02.2013 till 19.05.2021 was working in the school as a teacher on a temporary basis. During that time, the applicant namely, Anil Ramchandra Musale appointed her. It is alleged that the salary was paid to her though the school was not aided school. On the basis of said report, police have registered the crime against the present applicants. It is further alleged that the co-accused Anil Ramchandra Musale has prepared the forged documents and appointed her.

3. Learned Counsel Mr. Vyas and learned Counsel Mr. Navlani submitted that as far as the allegations are concerned, the applicant namely, Anil Musale has deposited the entire amount. Now custodial interrogation is not required. Learned Counsel Mr. Navlani for the applicant submitted that as far as the present applicant is concerned, she has not played any role in the alleged crime.

4. Learned APP fairly submitted that during the investigation both the applicants have cooperated with the investigating agency. However, she has opposed the application by submitting that the custodial interrogation of the present applicants is required as necessary interrogation is required to be carried out with the present applicants.

5. After hearing the learned Counsel for the applicants and on perusal of the recitals of the FIR, it reveals that only allegation against the present applicants is that applicant Yogita was serving in the said school and she was appointed by the Anil Ramchandra Musale by preparing the forged documents. During the investigation, they have already cooperated with the investigation agency. Applicant Anil Ramchandra Muale has already deposited the amount. For the interrogation purpose their custody is not required. In view of that, the interim protection granted in their favour deserves to be confirmed. Accordingly, I proceed to pass following order.

ORDER

(i) Criminal Application Nos.673/2023 and 729/2023 are allowed.

(ii) The applicant in Criminal Application (ABA) No.673/2023 Namely **Anil Ramchandra Musale** and applicant in **Criminal Application (ABA) No.729/2023**

Yogita Chandradas Shedmake be released on anticipatory bail in the event of their arrest in connection with Crime No.339/2023 registered with Police Station, Gadchandur, District Chandrapur for the offence punishable under Sections 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code, on execution PR bond in the sum of Rs.25000/- each with one solvent surety in the like amount.

(iii) The applicants shall attend Police Station as and when required for the investigation purpose.

(iv) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

Both the applications are disposed of.

(URMILA JOSHI-PHALKE, J.)