



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 258 OF 2024

Smt. Tarabai D/o Bapurao Jadhav alias
Tarabai W/o Subhashrao KadamApplicant

VERSUS

The State Of Maharashtra And AnotherRespondents

.....
Mr. H.I. Pathan, Advocate for Applicant
Mr. D.J. Patil, APP for respondents-State
Mr. K.P. Rodge, Advocate for informant
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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 19th SEPTEMBER 2024

ORDER :

1. Applicant apprehends arrest in Crime No.158 of 2023 registered with Kuntoor Police Station, Taluka – Naigaon, Dist- Nanded for offence punishable under section 420, 417, 419, 468, 469 read with 34 of the Indian Penal Code.

2. Baliram Yerpulwar, Superintendent, Education Department, Zilla Parishad, Nanded lodged report on 5th September, 2023, contending that Anandibai Shikshan Prasarak Mandal, Hotala, Taluka – Naigaon, District – Nanded is registered in the year 1997. Late Narayan Patil Kadam, unaided Secondary School is being run by the said society. In the year 2006-07,

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government granted permission to said society to run 8th standard and in the year 2009, 9th and 10th standard classes were started in the said school. Staff of 8 persons was appointed in the said school, which was approved by the Education Officer Zilla Parishad, Nanded. 20% grant was sanctioned to the said school in the year 2018. On the proposal submitted under the signatures of Head Mistress Tarabai Jadhav (applicant), bogus president Digambar Narayan Kadam and second bogus president – Mainabai Hiwrale, staff of 8 persons was reappointed in the said school and Shalarth IDs were approved by the Deputy Director of Education, Latur. On the complaint of founder Chairman Bhagwanrao Pawar and under the directions of this Court in Writ Petition No. 13912/2018, said proposal was reexamined and it was found that same was against rules. Earlier approval granted to 8 teachers was cancelled. It is, therefore, contended that accused persons, in furtherance of their common intention, made bogus appointments, by forwarding bogus proposals and defrauded the government, employees, school and well as the society.

3. Heard learned advocate for applicant, learned APP for State and learned advocate for informant. Perused the

investigation papers.

4. Admittedly, FIR is registered on 05.09.2023 and applicant who was at the relevant time a headmistress appointed by one of the two groups in the education institution has allegedly illegally appointed some of the teachers and staff. All these appointments are cancelled including appointment of the present applicant, under the orders of this Court. Since June-2023, applicant is not in service.

5. Learned APP and learned advocate for informant strenuously opposed the application. According to them original record of the institution including roster is with the applicant and therefore her custodial interrogation is necessary. There does not appear any merit in the said submission inasmuch as since September-2023 till date investigation is going on and the investigating officer has collected the record. The proposals allegedly forwarded by applicant to the Education Officer are already seized by the investigating officer from the Education Officer. There is also no substance in the contention of learned APP that applicant has forwarded family pension proposal on the death of her husband to the office of Accountant General,

Nagpur and has secured family pension and those documents are required to be seized from her, as the documents can be very well secured from the office of Accountant General, Nagpur.

6. Applicant was granted interim protection by order dated 22.02.2024 and was directed to co-operate in the investigation. Applicant has attended the concerned police station and has co-operated in the investigation. One of the co-accused/trustee is granted anticipatory bail by this Court considering the fact that investigation officer has seized all the relevant record i.e. bogus approval proposals and the proposal for obtaining Shalarth ID etc. On the ground of parity also the applicant is entitled for bail.

7. Considering the allegations made against the applicant in the FIR and from the investigation conducted so far, it appears that custody of the applicant is not necessary for investigation purposes. Considering the gender of the applicant and the fact that applicant was granted interim protection and she has co-operated in the investigation, application is allowed by confirming interim protection granted to the applicant by order dated 22.02.2024.

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8. Till filing of charge sheet, applicant shall attend the concerned police station as and when called by the investigating officer and shall co-operate in the investigation. Applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]