



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1123 OF 2023

Abdul Rauf S/o Sahikh Kadar

... Applicant

VERSUS

The State Of Maharashtra
And Another

... Respondents

.....

Mr. R.S. Deshmukh, Senior Advocate i/b D.M. Shinde,
Advocate for Applicant

Mr. S.R. Wakale, APP for Respondents – State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 24th APRIL, 2024

ORDER :

1. Applicant apprehends arrest in Crime No.479 of 2023, registered with Hingoli City Police Station, District-Hingoli for offences punishable under sections 420, 409 of the Indian Penal Code.

2. FIR is lodged by Suresh Bapuji Sonune stating that the inquiry squad of Block Development Officer made enquiry report to Education Officer (Primary), Zilla Parishad, Hingoli dated 23.12.2022 that accused being Headmaster of minority school namely, Dr. Iqbal Urdu Primary School, Hingoli, has made irregularities in maintaining record of funds of Rs.6,00,000/- of basic infrastructural facilities to minority private schools for period of 2009-2010, 2012-2013 and 2013-

2014 and funds of Rs.5,85,020/- of non-salary grant for period since 2013-2014 to 2016-2017. Inquiry squad made inquiry report to Education officer that accused has misappropriated the said Government funds of Rs.6,00,000/- and 5,85,020/-, Accordingly, as per directions of Block Development Officer in letter dated 25.05.2023, he lodged FIR on 01.06.2023.

3. Heard learned advocate for applicant and learned APP for respondents - State. Perused the investigation papers.

4. Applicant working as Headmaster at Dr. Iqbal Urdu Primary School at Hingoli since past many years. Inquiries conducted by Zilla Parishad reveal that there were irregularities committed by applicant while making payments. The payments which were supposed to be made by cheques is made in cash by applicant. Another allegation against applicant is that without making any construction, amount is shown to be spent on construction. Applicant has placed on record copy of notice issued by Municipal Council, Hingoli dated 30.06.2023, wherein it is informed to applicant that one room, toilet-bathroom and one wall is illegally constructed at the school without taking permission of Municipal Council. Photographs of construction made at the school are also placed on record.

5. Investigation pertains to documents, which are already seized by the Investigating Officer. Applicant was granted interim protection on 11.07.2023 and since then he is regularly attending the concerned Police Station and has co-operated in the investigation. Applicant is to retire on superannuation at the end of next month. In these peculiar facts, custodial interrogation of applicant is not necessary.

6. Application is therefore allowed by confirming interim protection granted to applicant by order dated 11.07.2023.

7. Till filing of charge-sheet, applicant shall attend the concerned police station as and when called by the Investigating Officer. Applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE