



- 1 -

aba1734.23.odt

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1734 OF 2023

Janardan Vishwanath Dhanvij .. Applicant

versus

State of Maharashtra .. Respondent

Mr. C. V. Kini, Advocate holding for Mr. S. V. Dixit, Advocate for the Applicant.

Mr. B. A. Shinde, APP for the State.

Mr. Rajendra Deshmukh, Senior Counsel, instructed by Mr. S. V. Deshmukh, Advocate for the informant.

WITH
ANTICIPATORY BAIL APPLICATION NO. 1743 OF 2023

Mangala Alhad Sabadra .. Applicant

versus

State of Maharashtra & another .. Respondents

Mr. C. V. Kini, Advocate holding for Mr. S. V. Dixit, Advocate for the Applicant.

Mr. B. A. Shinde, APP for the State.

Mr. Rajendra Deshmukh, Senior Counsel, instructed by Mr. S. V. Deshmukh, Advocate for the informant.

CORAM : R. M. JOSHI, J.

DATE : 12th JULY, 2024.

ORDER :

1. Applicants are apprehending arrest in connection with Crime No. 161/2023 registered with Bhusawal City Police Station, Dist. Jalgaon on 13.08.2023.

2. Informant is the ex-President of Shri Saraswati Vidya Prasarak Mandal, a trust registered under Maharashtra Public Trust Act. The said trust runs college in the name of PK Kotecha Women's Junior College at Bhusawal. It is alleged by the informant that Ruksana and Mahesh were said to have been appointed on the post of Assistant Teacher in the college by using forged and fabricated documents. It is alleged that these two persons were working in two different institutions and still they are shown to have been working with this college. It is also alleged that false and bogus resolutions were prepared showing their appointment by following due process of law and on the basis of such fabricated documents, a proposal came to be forwarded to the Deputy Director of Education for approval of their names as regular teachers. It is alleged that by playing fraud, accused persons have cheated the Government and mis-appropriated public fund.

3. Applicants are Principal and one of the administrative staff working in the college. It is alleged against them that they were party to the fraud played by the co-accused. The allegation against Janardan is that he has forwarded the proposal of regularisation. It is alleged against him as well as Mangala that fully knowing the fact that these resolutions are bogus, still the proposal was sent to the Deputy Director of Education for approval.

4. Learned counsel for applicants submits that applicant Mangala was Principal of the college at the relevant time and now she is superannuated. She has not signed any proposal which was sent for approval of two teachers. As far as applicant Janardan is concerned, it is argued that though he has signed the said proposal, however, he has signed it for and on behalf of the Principal and not in his individual capacity. It is his submission that he was bound by the direction of the management and that there is no allegation against the Principal that the Principal was party to the resolution passed in the year 2014 and fabrication thereof. Learned counsel for Mangala submitted that the informant had personal grudge against this applicant and therefore, possibility of false implication subsists.

5. Learned APP and learned Senior Counsel for informant opposed the said submission by contending that it was within their knowledge that the teachers are not working and still the proposals were sent to the Education Department.

6. There is absolutely nothing on record to indicate that these two applicants were involved in fabrication of any document much less any resolution in the year 2014. There is no whisper of any allegation against Mangala about she having done anything in connection thereto. Janardan has only forwarded the proposal and this Court finds reason to accept his contention that the said proposal was signed only at the instance of the management of the trust. There is no allegation against them that they are beneficiaries of the crime nor anything is to be recovered at their instance. As such, custodial interrogation of these applicants is not necessary. They have no criminal history. They are not likely to be absconded. In view of this, interim relief granted to these applicants deserves to be confirmed. Both applications stand disposed of.

(R. M. JOSHI)
Judge