



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1954 OF 2024

Snehal Babanrao Rathod

VERSUS

The State Of Maharashtra And Another

...

Mr. S. S. Jadhav, Advocate for Applicant

Mr. S. B. Jadhav, APP for Respondents

AND

ANTICIPATORY BAIL APPLICATION NO. 1990 OF 2024

Shrikant Sudhakar Rao Deshpande

VERSUS

The State Of Maharashtra And Another

...

Mr. C. C. Deshpande, Advocate for Applicant

Mr. S. B. Jadhav, APP for Respondents

WITH

CRIMINAL APPLICATION NO. 4636 OF 2024
IN ABA/1954/2024

Rajendra Gulabsing Jadhav

VERSUS

Snehal Babanrao Rathod And Others

...

Mr. K. P. Rodge, Advocate for Applicant

WITH

CRIMINAL APPLICATION NO. 4672 OF 2024
IN ABA/1990/2024

Rajendra Gulabsingh Jadhav

VERSUS

The State Of Maharashtra And Another

...

Mr. S. G. Ladda, Advocate for Applicant

Mr. S. B. Jadhav, APP for Respondents

CORAM : R.M. JOSHI, J
DATE : DECEMBER 03, 2024

COMMON ORDER :

1. Here is the case wherein it can be seen as to how criminal minded persons in collusion with the Social Welfare Department and Education Department and its officers can dupe public money to large extent. Unfortunately, this is the same case where it can be seen that the investigating officer did not conduct proper investigation when there is more than sufficient evidence on record to indicate apparent involvement of the Government Officers in this crime.

2. Applicant in ABA/1990/2024 is a retired Headmaster of the Ashram School situated at Shivgad Tanda. It is alleged against him in the FIR that by relying upon bogus documents, he gave proposal for the approval of the post of Snehal Rathod, grand daughter-in-law of the ten President of the Trust knowing that she was never appointed to the post of Superintendent in Ashram School at Shivgad Tanda.

3. There is allegation against Applicant in ABA/1954/2024 that by fabricating record and creating

forged documents, they had shown Snehal being employed as Superintendent of the said School since 2013 and thereafter in the year 2019 approval was sought of the said post and then bills were raised towards the salary payable to her and total sum of Rs. 38 lacs is received and thereby there is misappropriation of the public exchequer.

4. Applicant in ABA/1954/2024 is beneficiary of the crime. She is said to have been appointed in school in 2013 and that in year 2019, after obtaining approval on the basis of false/forged documents, an amount of Rs. 38 lacs is received towards arrears of the wages. The said amount is directly deposited into her account and therefore, she is said to be party to crime.

5. Learned Counsels for the Applicants submit that the present FIR came to be lodged owing to the disputes between the office bearers of the Trust. It is their further submission that in so far as appointment of the Snehal and its approval is concerned, the same has been granted by competent Authority and as such, no criminality can be attached to the said action. It is claimed that notice was issued to the Applicants under

Section 41-A of the Code of Criminal Procedure and in response to the said notice, they appeared and cooperated in the investigation. Thus, according to them, custodial interrogation of the Applicants is not necessary. On these amongst other submissions, pre-arrest bail is sought.

6. These Applications are opposed by learned APP and as well as learned Counsel for Informant. During the course of hearing, they have brought to the notice number of documents which indicate that prior to year 2019, there was no approval granted to the post of Superintendent at Shivgad Tanda. Apart from this, a document is referred which is duly executed by Headmaster of school i.e., Applicant in ABA/1990/2024 wherein he has stated about there being no Superintendent working in the said school and for that reason girls are not residing there. There is further document on record is pointed out to this Court by Counsels that the amount of Rs. 38 lacs has gone into the account of Applicant Snehal.

7. Though this Court finds some substance in the contention of learned Counsel for the Applicants that

there are disputes between the office bearers of the trust. This is also gets supported by the time taken by the Informant to lodge FIR after it came to his knowledge that there are new employees who were seems to have been working in the said school. However, merely because there are disputes between the office bearers of the Trust or even for that sake delay is caused in lodging of the FIR, the documents collected during the course of investigation as well as documents placed on record by the Counsel for the Informant more than sufficiently, *prima facie*, demonstrate that this is a clear case of the fraud being played by the Applicants along with other office bearers of the trust.

8. The documents on record clearly indicate that not only there was any approval granted to the post of Superintendent at the said school at least up to year 2019 but there is overwhelming evidence to show that Snehal never worked in the school from 2013 as claimed.

9. It is painful to note that though such record is not available, the Government Authorities, for the reasons best known to them, granted approval of her

appointment with retrospective effect. This Court is conscious of the fact that in so far as the correctness/validity of approval, no findings can be recorded by this Court, however, *prima facie* material on record leads to only conclusion that it is a case of fraudulent document placed on record for seeking approval and the concerned Authorities also did not verify own record before granting approval.

10. There is apparent collusion between Officers/Authorities of the Social Welfare Department and Education Department and Applicants for granting approval. This finding is irresistible in view of the document executed by one of the Applicant i.e., Headmaster of the school who in the year 2016-2017 in no uncertain terms has recorded in the report to the Education Department about there being no appointment to the post of Superintendent and, therefore, the girls are not residing there in Ashram School. All these documents clearly show that this is the case of causing loss to the public exchequer by creating false and fabricated documents to the benefits of Applicants and others, including concerned Authorities.

11. Though FIR is lodged by Rajendra Jadhav, this Court is constrained to observe that his actions are not free from doubt and his role is not ruled out in this crime. The reason for the same is his selectiveness in approaching to the police and lodging of the reports by taking considerable time, so also conveniently opposing bail applications of accused. He claims to have got knowledge of the appointments of the new employees on 15.08.2022. He however lodges report in this regard after a year. More particularly, when the dispute arose between the managing committee with regard to the management of the Trust and change reports were filed by the rival sides. Though he opposed the application filed by the Sundarlal Jadhav and another before the Sessions Court, before this Court no such attempt was made though all these applications were heard together. All these facts shows that it is not a complete truth that allegations made in the FIR are only attributable to the other office bearers and not him. Pertinently, since relevant time i.e., 2013 till date he claims to be office bearer of the trust and was holding important post of Vice President. Thus, it is practically impossible to accept

that he would not come to know about the things which have occurred at least since the year 2019. The only reason for not intimating about it to the Authorities would be his own involvement therein.

12. This Court does not wish to criticize the investigation carried out till date, but on the face of it, it can be seen that though there is sufficient material on record to indicate the involvement of the Officers from the Social Welfare Department and Education Department, except for recording statements of few employees, no effective investigation seems to have been carried out in this regard. This Court, therefore, records displeasure about the manner in which the investigation is done.

13. In view of above discussion, Applications stand dismissed. Pending applications, if any, stand disposed of.

14. This order be send to the Home Secretary, Government of Maharashtra, for his perusal and for taking appropriate action, if he finds it fit.

(R.M. JOSHI, J.)