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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1931 OF 2023

Mainabai Narayan Hiwrale

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

.....
Mr. Baliram B. Shinde, Advocate for the applicant
Mr. S. D. Ghayal, APP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 30th JANUARY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No.158 of 2023 registered with Kuntoor Police Station, Taluka – Naigaon, District – 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, 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, bogus president Digambar Narayan Kadam and second bogus president – applicant, 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 and learned APP for the State. Perused the papers of investigation.

4. Education Officer, Zilla Parishad, Nanded has conducted an inquiry wherein he has concluded that the accused persons named in the FIR have mislead the Education Officer and

Government and have given bogus appointment letters, submitted bogus approval proposals and bogus Shalarnya IDs. He, therefore, has held the accused persons guilty in the said inquiry.

5. Investigating officer has seized all the relevant record i.e. bogus approval proposals and the proposal for obtaining Shalarnya IDs etc. Applicant claims to be trustee of the society and further claims that she is innocent and she has not committed any offence.

6. Considering the allegations made against 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 applicant and the fact that applicant was granted interim protection and she has co-operated in the investigation, application is allowed by confirming the interim protection granted vide order dated 10th November, 2023.

[NITIN B. SURYAWANSHI]
JUDGE

