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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1959 OF 2023

Goroba Madhukar Daware

APPLICANT

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....
Mr. Abhay M. Taksal a/w Mr. G. J. Pahilwan, Advocates for
applicant

Mr. S. B. Ghayal, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 23rd JANUARY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No.243 of 2023 registered with City Chowk Police Station, Aurangabad for offence punishable under section 420, 406, 465, 468, 471 of the Indian Penal Code.

2. Amol Suresh Arke, in-charge Principal of Late Sopanrao Patil Resident Dumb and Deaf School Rasulpura, Taluka – Khultabad, District – Aurangabad lodged a report on 24th July, 2023 that he was appointed in the said school in the year 2012, by an order of the institution dated 22nd December, 2012. Said order was given to him by President of the institution Satish

Vyas. During that period, on different dates, some other teachers were also appointed by orders of President. All the orders were issued from the office of the institution situated at Jagrut Karyalaya, Pandariba, Opposite Guljar Talkies, Aurangabad. Applicant, being the ex-Principal, was looking after work of the institution and office of the school. On 10th May, 2023, President Satish Vyas called informant and other teachers in the office and showed them their appointment orders and enquired with them. It was revealed that there was some discrepancies in the appointment orders. When they perused the original record of the institution, it was found that appointment orders issued to some of the teachers were fabricated. President's signature was not there on some appointment orders. On some appointment orders, signature of the President of institution were forged. Thus, false and fabricated appointment orders with wrong dates and forged signatures of Secretary were prepared. Those orders were shown to the President by informant and other teachers. Since, applicant was looking after the administration, nobody was aware about preparation of the forged documents. When the president asked informant and other teachers as to whether they have paid any amount for approval of their appointments, they informed that they have given 3.50 lakh to 5 lakh rupees each to applicant at different times by cash or online mode. Even class

IV employees also gave Rs.1 lakh each to applicant. President, at that time informed them that the institution has not issued any permanent orders. Thus, it is contended that applicant had obtained money from employees in the name of institution on the pretext of getting approval to their appointments and used that money for his personal use and prepared false and fabricated documents of appointment and prepared fabricated orders.

3. Preliminary inquiry was conducted and it was found that appointment order of informant was a different order, which was typed on a computer and different handwritten fabricated order was there on record. Similar such orders were also found in respect of other teachers.

4. Heard learned advocate for applicant and learned APP for State. Perused the papers of investigation.

5. Applicant claims that he has not committed any offence and amounts received by him were used for expenses of the institution, administration of which was being looked after by him.

6. It appears from the record that forged appointment orders are issued and on the pretext of getting approval to their

appointments, applicant has collected amounts from teachers and class IV employees of the institution. Original documents of the teachers are to be recovered and even forged orders are required to be seized from the applicant. *Prima facie* there is material on record to show involvement of applicant in the present crime and custodial interrogation of the applicant is necessary for the effective investigation. Applicant is, therefore, not entitled for discretionary relief of anticipatory bail. Application is, therefore, rejected.

[NITIN B. SURYAWANSHI]
JUDGE