



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2010 OF 2023

Mahadev S/o Tulshiram Halgare ... Applicant

VERSUS

The State of Maharashtra ... Respondent

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Mr. V.D. Gunale, Advocate for the Applicant

Mr. A.R. Kale, APP for Respondent – State

AND

ANTICIPATORY BAIL APPLICATION NO. 2028 OF 2023

Kailas S/o Vyankatrao Bibrare ... Applicant

VERSUS

The State of Maharashtra
and another ... Respondents

.....

Mr. Swapnil S. Rathi, Advocate for the Applicant

Mr. A.R. Kale, APP for Respondents – State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 05th FEBRUARY, 2024

ORDER :

1. Applicants apprehend arrest in connection with Crime No. 637 of 2023 registered with Udgir Rural Police Station, District Latur for offence punishable under section 409 read with section 34 of the Indian Penal Code.

2. FIR is lodged by Shafi Kasimsab Shaikh, in short, alleging that on 07.11.2023 at 11.30 p.m. one Mahindra pickup van was found carrying food grain supplied to

Aksharnandan School for *Shaleya Poshan Aahar*, which were being transported for selling the same in the open market and the said vehicle was called by Madhav Halgare, Sanstha Chalak, Headmaster Shivshankar Jeevane and concerned teacher appointed for *Shaleya Poshan Aahar*.

3. Heard learned advocates for applicants and learned advocate for APP for respondents – State.

4. Offence is registered on 07.11.2023 and the Headmaster and Assistant Teacher are granted anticipatory bail by the Sessions Court as per the instructions of learned advocate Mr. V.D. Gunale.

5. Perusal of investigation papers reveal that the food grains are seized, so also the documents from the School. Applicant Mahadeo Halgare claims to be serving as Assistant Teacher at Deoni, which is away from Aksharnandan School, Udgir. His wife is the Secretary of the Society, which is conducting the said Aksharnandan School. He submits that due to the political rivalry his name is falsely implicated.

6. So far applicant Kailas Vyankatrao Bibrare is concerned, he was the driver of the said pickup van, which was intercepted by the informants and his colleague. He has

allegedly disclosed the names of other accused persons at whose instance pickup van was called at the School.

7. Considering the investigation conducted so far and the fact that applicants were granted interim protection and they have co-operated in the investigation, no useful purpose would be served by remanding the applicant in custody. Nothing is to be recovered from applicants and therefore pre-trial custodial detention of applicants is not necessary in the facts of the present case. If arrested, Mahadev Halgare may lose his job as a Primary Teacher.

8. In that view of the matter, applications are allowed by confirming interim protections to applicants by orders dated 06.12.2023 and 12.12.2023.

9. Till filing of charge-sheet, applicants to attend concerned police station on every Sunday between 10.00 a.m. to 12.00 noon, and shall co-operate the investigation. Applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane