

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.951 OF 2024**

Lavendra Surajmal Bothra and Anr. ... Applicants
versus
State of Maharashtra ... Respondent

Mr. Manoj Mohite, Sr. Advocate with Ms. Anusha Pradhan Jaibhave, for Applicant.
Mr. R.M.Pethe, APP for State.
Ms. Vrinda Surve, for Original complainant – intervener.
PSI Suresh Bawiskar, Shahapur Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 12 APRIL 2024

P.C.

1. Heard the learned Counsel for the parties.
2. At the outset, Ms. Surve, learned Counsel submits that she has instructions to appear on behalf of the original complainant – Ramchandra Parshuram Yadav, at whose instance inquiry was initiated by the Tribal Development Department and undertakes to file an intervention application.
3. Let the Intervention Application be filed and copy served on the Applicant as well as the Respondent-State within one week.
4. Applicant No.1 is the Principal of Alamuri Ratnamala Institute of Engineering and Technology, Sapgaon, Tal. Shahapur. The applicant No.2 is the director of Koti Vidya Charitable Trust which runs Alamuri Ratnamala Institute of Engineering and Technology. The indictment against the applicants and other

directors of the Trust is that they have shown inflated expenditure while submitting proposals before Fee Regulatory Authority and on the basis of the determination of the fees by the Fee Regulatory Authority on the higher side, the applicants and the co-accused have defrauded the students as well as the Tribal Development Department, which bears the fees of the students who are covered by the Schemes implemented by the Tribal Development Department.

5. Mr. Mohite, learned Senior Advocate for the Applicants, submitted that the prosecution has been initiated at the behest of Ramchandra Parshuram Yadav, ex-employee of the College who has lodged a number of complaints with various authorities against the college and Trust and all those complaints and grievances have been dealt with by the respective authorities. In the instant FIR, which is lodged on the basis of a report of inquiry purportedly conducted by Tribal Development Department, it is alleged that those inquiries were not properly conducted. The applicants have deep roots in society. The arrest of the applicants would cause incalculable harm to their standing in the Society.

6. Learned APP resisted the prayer for bail. It was submitted that there is material to indicate that the applicants had submitted false documents to inflate expenditure and thereby obtained determination of the fees on the higher side. It was submitted that the employees who had already resigned from the college were shown to be still serving in the college and, on that basis, the claim for higher fees was made

before the Fee Regulatory Authority.

7. I have perused the allegations in the FIR. In paragraph No.4 (page 39) it is, alter alia, alleged that various Enquiry Committees which had conducted enquiries had not properly enquired into the allegations against the Trust and the College and, therefore, the fraud could not be unearthed. Thus, the conduct of the persons who conducted those enquiries be also inquired into. This implies that a number of enquiries have already been conducted by the competent authorities. Prima facie, it appears that omnibus allegations have been made with a view to reopen the issues which have been concluded by the enquiries conducted by the competent authorities.

8. In any event, the offences revolve around documents. The applicants appear to have firm roots in society. In the circumstances, till the matter is heard after providing an efficacious opportunity to the prosecution and the Intervener, I deem it appropriate to protect the liberty of the applicants.

9. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicants – Lavendra Surajmal Bothra and Alamury Venkateshwara Gupta in connection with C.R.No.405 of 2023 registered with Shahapur Police Station, they be released on bail on furnishing a PR bond in the sum of Rs.30,000/- each with one or two sureties in the like amount.

(ii) The Applicants shall co-operate with the investigation and report

to Shahapur Police Station on 17th, 18th and 19th April 2024 between 10.00 a.m. to 1.00 p.m., and, thereafter, as and when directed.

(iii) The Applicants shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the prosecution witnesses or any of the persons acquainted with the facts of the case.

(iv) Stand over to 9 May 2024.

(N.J.JAMADAR, J.)