

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2159 OF 2024

Sameer Yashwant Gorde ... Applicant

Vs.

State of Maharashtra ... Respondent

Mr. Girish Kulkarni, Senior Advocate a/w. Ms. Mrunmai Kulkarni i/b. Ms. Ankita Phadke, Mr. Ashish Patankar and Ms. Rijul Khandare for Applicant.

Mr. Sagar R. Agarkar, APP for Respondent-State.

Ms. Hasina Shaikh, PSI, Kondhwa Police Station.

CORAM : MANISH PITALE, J.
DATE : AUGUST 21, 2024

P.C. :

. Heard Mr. Kulkarni, learned senior counsel for the applicant and Mr. Agarkar, learned APP for the respondent-State.

2. The applicant apprehends arrest in connection with FIR No.0870 of 2024 dated 19.07.2024 registered with Kondhwa Police Station, District - Pune City, for offences under Sections 318(4), 336(2), 336(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS). The offences pertain to allegations of cheating and forgery.

3. The informant, in the present case, is a block education officer, who has approached the police with a case that a school called *Orchid International School* was being run at Taluka - Haveli, District - Pune, having no permissions and authorizations. It is alleged that the accused persons, including the applicant, are responsible for running the said school and that they had indulged in activities giving rise to registration of the said offences.

4. The learned senior counsel for the applicant submits that the

applicant is simply an employee of a company called *K12 Techno Services Private Limited*. The said company entered into an agreement with the society called *New Era Educational Society*, which is running the concerned school. It is submitted that the applicant, being an employee of the company, providing only technical support to the school, cannot be even remotely held responsible for the school being allegedly unauthorizedly run at Pune. It is submitted that the applicant is ready to co-operate with the investigation and therefore, this Court may consider allowing the application.

5. On the other hand, the learned APP has opposed the present application. He has produced investigation papers including an advertisement, inviting applications for admission in the said school. He relies upon a document addressed by the Deputy Secretary of the Department of School Education and Sports to the President / Secretary of *New Era Educational Society*. He submits that there is material to show the involvement of the applicant in running the said school, which was being run unauthorizedly and therefore, no indulgence may be shown to the applicant.

6. This Court has perused the statement of the informant leading to registration of the FIR. In the said statement, it is alleged that co-accused J. D'Costa is the President of the *Sanstha* and the applicant is the Director thereof. This is stated in connection with the aforesaid school, which was being allegedly unauthorizedly run in District Pune. Perusal of the documents filed along with the application shows that the applicant was appointed as the Zonal Business Head of the company called *K12 Techno Services Private Limited* from Bengaluru, Karnataka. The documents on record also show that the said company entered into a Master Services Agreement in the year 2018 i.e. prior to even appointment of the applicant with the said company, to provide services

to New Era Educational Society.

7. The aforementioned documents *prima facie* show that the applicant can be said to be an employee of the aforesaid company, which agreed to provide technical services to New Era Educational Society, which even according to the informant, is responsible for running the said school. The investigation papers brought to the notice of this Court also do not divulge any document showing association of the applicant either as an office bearer or a trustee of the New Era Educational Society. The papers also show that when the investigating officer had put the applicant to notice, he had sent a reply specifically stating that he had no role to play in the alleged crime, as also the fact that he was not a trustee of the New Era Educational Society, further clarifying that he was simply an employee of *K12 Techno Services Private Limited* whose role was limited to providing technical support to school.

8. Although the allegations in the present case may be serious, the applicant has made out a *prima facie* case in his favour to claim that he may not be held responsible for the alleged unauthorized manner in which the school was being run. The applicant is ready to co-operate with the investigation, and therefore, the application deserves to be allowed.

9. In view of the above, the application is allowed in the following terms:-

- A. In the event the applicant is arrested in connection with FIR No.0870 of 2024 dated 19.07.2024 registered with Kondhwa Police Station, District - Pune City, he shall be released on bail on furnishing PR Bond of Rs.25,000/- [Rupees Twenty Five Thousand only] with one or two sureties in the like amount;

- B. The applicant shall remain present before the investigating officer between 10:00 a.m. and 12 noon on 23.08.2024 and thereafter as and when required by the investigating officer. He shall co-operate with the investigation;
- C. The applicant shall not influence the informant, witness or any person concerned with the case and he shall not tamper with the evidence.

10. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

11. The application is disposed of.

(MANISH PITALE, J.)

Minal Parab