

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2336 OF 2024

1. Shreyas Manoj Kumar
 2. Khanderao Damodar Chinchwade
- ...Applicants

Versus

The State of Maharashtra & Anr. ...Respondents

- Ms. Akshay Deshmukh a/w Mr. Sumit Chaudhary i/b Mr. Sanket Sandesh Kadam, for Applicant.
- Mr. Kiran C. Shinde, APP for Respondent.
- Mr. R.B. Mulla, Sub Inspector Chinchwad Police Station.

CORAM : MANISH PITALE, J.

DATE : 05th SEPTEMBER, 2024.

P. C. :

1. Heard Mr. Deshmukh, learned counsel for the applicants and Mr. Shinde, learned APP for the State.

2. The applicants along with 4 other persons are arraigned as accused in First Information Report No.0290 of 2024, dated 15.07.2024, registered at Police Station Chinchwad, District Pimpri-Chinchwad, for offences under Sections 318(4), 336(2) and 336(4) of the Bharatiya Nyaya Sanhita, 2022 (BNS). The applicants are apprehending arrest in connection with the said offences.

3. The informant in the present case is an Assistant Project Officer of the Municipal Corporation and he has informed the police that the school

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was being illegally run by a trust with which the applicants are associated. The informant stated that despite notices being issued to the school and the Trust to shut down the school, which was being run illegally, there was no response and hence the offences have been committed.

4. The learned counsel for the applicants submits that the applicant No.1 is the Secretary of the Trust, while applicant No.2 is merely shown as an Executive Member. It is submitted that applicant No.2 has no active role to play in the said Trust and he was inducted essentially for the reason that the land leased by the Trust for running the aforesaid school is owned by the applicant No.2. Copy of the Lease Deed is tendered to demonstrate that the applicant No.2 is merely the lessor, having no role to play in the management of the Trust or the school. It is further highlighted that applicant No.2 is a senior citizen aged about 66 years. It is submitted that the applicants are ready to cooperate with the investigation and therefore, the application may be allowed.

5. On the other hand, learned APP submits that the statement of the informant sufficiently makes out the ingredients of the alleged offences. It is submitted that despite repeated notices being given, the school is illegally run, has continued with the result that parents of the students as well as the concerned Government Authorities have been cheated. It was submitted that

the application deserves to be dismissed.

6. This Court has considered the nature of allegations leveled by the informant, who is a responsible Government Officer, against the accused persons. A *prima facie* case is indeed made out against the accused persons of having defied instructions given by the Competent Authorities for shutting down the school. It can be said that by running the school illegally, the parents and the students have been cheated.

7. The applicant No.1, being Secretary of the Trust running the school, can be said to have played an active role and hence, no case is made out for granting anticipatory bail to him.

8. But, insofar as applicant No.2 is concerned, this Court finds that he is a senior citizen, said to be an Executive Member in the Trust. The copy of the Lease Deed tendered by the learned counsel for the applicants indeed shows that he is shown as a lessor of the land on which the school is being run. *Prima facie*, it appears that applicant No.2 has not played an active role in the management of either of the Trust or the aforesaid School. Therefore, this Court is inclined to show indulgence to applicant No.2, so long as he cooperates with the investigation.

9. In view of the above, the application is disposed of in the

following terms:

- (A) The prayer for anticipatory bail made by applicant No.1 – Shreyas Manoj Kumar is rejected.
- (B) The application is partly allowed by directing that in the event the applicant No.2 – Khanderao Damodar Chinchwade is arrested in connection with FIR No.0290 of 2024, dated 15.07.2024, registered at Police Station Chinchwad, District Pimpri-Chinchwad, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- [Rupees Twenty Five Thousand only] with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- (B) The applicant No.2 – Khanderao Damodar Chinchwade shall remain present before the Investigating Officer on 09th September, 2024, between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer. He shall cooperate with the investigation.
- (C) The applicant No.2 – Khanderao Damodar Chinchwade 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 No.2 liable to face proceedings for cancellation of anticipatory bail.

11. 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.

12. The application is disposed of.

(MANISH PITALE, J.)