



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.688 OF 2024

Ranjana w/o Prafull Kalmegh
Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Saoner, District Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. M. Daga, Counsel along with Mr. A. S. Band, Counsel for the
applicant.

Mr. K. R. Lule, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 07/10/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.1074/2023 registered with Police Station, Saoner, District Nagpur for the offences punishable under Sections 403, 406, 408, 409, 417, 418, 419, 420, 426, 465, 468, 469 and 477-A of the Indian Penal Code, the applicant approached this Court for grant of anticipatory bail.

2. The wheels of the investigation start rotating as the complainant Ku. Suhas Chatrapal Kedar, has filed an application under Section 156(3) of the Code of Criminal Procedure. The learned Judicial Magistrate First Class directed the investigation and accordingly the crime was registered. As per the allegation, the informant is the Secretary of Ganesh Prasadik Education Society,

Patansaongi and the present applicant was working as a Headmistress in Adarsh Vidhyalaya, Patansaongi run by Ganesh Prasadik Education Society, Patansaongi. It is alleged that the applicant by misusing the position had committed many illegal acts including misconduct, breach of terms and conditions of service and guilty of mismanagement. It is further alleged that she has forged the signature of informant and open an account in which the amount of Shaleya Poshan Aahaar has been deposited and she misappropriated the amount. She retained an amount came from the admissions of the students without any authority. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel Mr. Daga for the applicant submitted that as far as the custodial interrogation is concerned, the issuing of notice under Section 14A of the Code of Criminal Procedure itself is sufficient to show that the investigating agency does not want to take the custody of the present applicant for the investigation purpose. He submitted that as far as the misappropriation is concerned, absolutely there is no material to connect the present applicant with the alleged offence. The specimen signature of the applicant is obtained by the Investigating Officer and forwarded to the handwriting expert. Thus, custodial interrogation of the present applicant is not required. As far as the

misappropriation part is concerned, though the account statements are collected nothing revealed to show that the present applicant has misappropriated the said amount. In view of that, she be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that during the investigation it revealed that some amount is received by the present applicant in her account to the extent of Rs.1,40,490/- therefore, the custodial interrogation of the present applicant is required. In view of that, the application deserves to be rejected.

5. After hearing the learned Counsel for the applicant and learned APP for the State and on perusal of the investigation papers, it reveals that regarding the alleged allegation the inquiry was conducted internally by the School Authorities and it revealed that no such misappropriation has been committed either by the present applicant or anybody. The account of the present applicant is also seized, wherein she has not received any amount. As far as the personal account is concerned, there is nothing on record to show that she has benefited by receiving the amount as misappropriation by her. As far as the statements of the witnesses are concerned, which shows that the applicant has collected the admission fees which are deposited to the account of the School as well as the amount of the Shaleya

Poshan Aahaar was also deposited in the account which was opened by the signature of the present applicant and the signature of the Secretary of the Institute. Thus, as far as the signature of the bank opening form is concerned, entirely depends upon the handwriting expert's opinion. The specimen signature of the present applicant is already obtained, considering the same, her custodial interrogation is not required.

6. Learned APP pointed out that she has not cooperated with the investigating agency after registration of the crime, which can be taken care of by imposing certain conditions on the present applicant. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) In the event of arrest, the applicant **Ranjana w/o Prafull Kalmegh** shall be released on anticipatory bail in connection with Crime No.1074/2023 registered with Police Station, Saoner, District Nagpur for the offences punishable under Sections 403, 406, 408, 409, 417, 418, 419, 420, 426, 465, 468, 469 and 477-A of the Indian Penal Code, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned Police Station twice in a week on Monday and

Thursday between 10.00 a.m. to 1.00 p.m. before the Investigating Officer and shall cooperate with the agency, till filing of the charge-sheet.

(iv) A single attempt to avoid attending the Police Station would lead to the cancellation of bail.

(v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)