



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**43 ANTICIPATORY BAIL APPLICATION NO. 115 OF 2025
KALPANA W/O UTTAM KUNTURKAR @ KALPANA D/O
NAMDEV KOTURWAR**

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Dhananjay M. Shinde
APP for Respondent/State: Ms. P. V. Diggikar

...

WITH

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**ANTICIPATORY BAIL APPLICATION NO. 160 OF 2025
UTTAM GANGADHAR KUNTURKAR**

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Satyajit S. Bora
APP for Respondent/State: Ms. P. V. Diggikar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 24.02.2025

P.C. :

1] Heard learned counsel for the applicants and the learned APP for the respondent-State.

2] The applicants are apprehending arrest in connection with Crime No.732/2024, dated 12.12.2024, registered at Jintur Police Station, District Parbhani, for the offences punishable under Sections 420, 467, 469, 470, 471, 409, 463, 464, 466 read with 34 of the I.P.C.

3] This court by order dated 10.02.2025 considering the submissions of the parties as noted in paragraphs no.3, 4, 5 and 6 has granted interim protection to the applicant in ABA/160/2025 and, also, continued the earlier interim protection granted to the applicant on 23.01.2025 in ABA/115/2025. The abovementioned paras of the order dated 10.02.2025 are quoted below:

“3] The learned counsel for the applicant in ABA No. 160/2025 submits that the applicant was running an education society, namely, Deep Education Society Nanded in 1994 for giving education to the specially disabled children. The learned counsel submits that in the year 2011, the applicant handed over the said society to one Kailas Ampalle and accordingly he looked after the said society in the year 2011-2012 and subsequently he also gave the charge of the said society to the present informant namely Narayan Devrao Pawar. In the year 2017, as Narayan Pawar was not able to handle the said school properly, the Commissioner Disabled Welfare, Pune cancelled the permission of the said school. He further submits that in the year 2020, the informant requested the applicant to get the order of cancellation of school permission set aside and the applicant accepted the request of the informant on the condition that the society will be handed over back to the applicant and therefore the informant executed Power of Attorney in favour of the applicant. He further submits that thereafter on 11.12.2020 the applicant approached the Hon’ble Minister for Social Welfare, Mantralaya, Mumbai and got the order for re-opening of the school run by the said society by order dated 11.12.2020. Thereafter the informant executed an agreement on 15.10.2022 in favour of the present applicant. Thereafter, on 15.10.2022, the applicant filed Special Civil Suit No.274/2024 for specific performance of contract before the Civil Judge Senior Division, Nanded and the same is pending for consideration.

4] On 12.12.2024, the informant has lodged the FIR against the applicant. The learned counsel further submits that the wife of the applicant, namely, Kalpana was working from 1998 and there is no grievance raised as regards her qualification by the society till her retirement. He further submits that to show bona fides, the applicant in ABA No.160/2025 is ready to deposit the amount in this Court.

5] The learned APP submits that the investigating officer has recorded the statements of various employees. It is stated in the said statements that the applicant in ABA No.160/2025 has accepted the amount in cash.

6] Considering that there is civil dispute between the parties in respect of management of the school, so also, considering the fact that applicant in ABA No.115/2025 i.e. wife of the applicant was working from 1998 and no grievance was raised by the concerned society as regards her qualification till her retirement i.e. till 31.10.2024 and the applicant in ABA No.160/2025, to show bona fides, has shown readiness to deposit amount received by cheque in this Court within two weeks. In view of the same, in the meanwhile, there shall be interim order in ABA No.160/2025 in the following terms :-..."

4] In ABA/160/2025, the learned counsel for the applicant submits that, in pursuance of the willingness shown by the applicant to deposit the amount as reflected in the statement of witness Radha Jadhav has today brought Demand Draft of Rs.12,60,000/-, bearing No.703327, dated 24.02.2025 in the name of Registrar High Court of Bombay Bench At Aurangabad.

5] Liberty is granted to deposit the same before the Registrar (Judicial) of this court within three (03) days.

Registry is directed to accept the same. On such amount being deposited, the Registry is directed to transfer the same to the trial court in the aforesaid crime number. The trial court shall keep the amount deposited in the Nationalized Bank and pass appropriate orders thereon at the end of the trial.

6] The learned counsel appearing for the respective parties submits that the applicants have attended the concerned police station and cooperated with the investigation.

7] Considering the above, the interim protection granted earlier to both the applicants can be confirmed.

8] In view of the above, the interim protection granted by orders dated 23.01.2025 and 10.02.2025 stands confirmed, on the following terms:

i] The applicants shall attend the police station as and when required by the Investigating Officer.

ii] The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

9] In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

10] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

11] The applications stand disposed of.

[ARUN R. PEDNEKER]
JUDGE

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