



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

83 BAIL APPLICATION NO. 927 OF 2025

**ASHOK HARI KHALANE
VERSUS
THE STATE OF MAHARASHTRA**

...
WITH

...
CRIMINAL APPLICATION NO.1962 OF 2025

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Advocate for Applicant : Mr. Mahesh S. Deshmukh
APP for Respondent/State: Mr. D. J. Patil
Advocate for Assist to PP : Mr. D. B. Thoke

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CORAM : ARUN R. PEDNEKER, J.

DATE : 16.06.2025

P.C. :

1] Criminal Application No.1962 of 2025 for assist to public prosecutor is not on board. Taken on board and stands allowed.

2] Heard learned counsel for the applicant, learned APP for the respondent-State and the learned counsel for Assist to public prosecutor.

3] The applicant is seeking bail as he was arrested on 15.03.2025 in connection with Crime No.0087/2025, registered with Chalisgaon Police Station, District Jalgaon,

for the offences punishable under Sections 408, 409, 420 read with 34 of the Indian Penal Code, 1860.

4] The case against the applicant primarily is that the applicant, who is the Secretary of the Trust namely Mahatma Phule Samajik Vs Shaikshanik Vikas Mandal, Chalisgaon has been deducting the salaries of the teachers and peons of various amounts from the year 2006. These deductions are made and are shown in the salary bills in the other deductions column. The employees as well as the Education officer, prima facie, are aware of the deductions made. In the year 2024 after the complaints were made the deductions were stopped. The total amount of deductions is approximately amounting to Rs.97,00,000/-. After the deductions being made the amounts were transferred to the Trust. The Trust has been utilizing the amounts. The learned counsel submits that the complaint being made under Sections 408, 409, 420 read with Section 34 of the IPC against the applicant and other co-accused, who are the Headmaster and the Clerk of the school. The Headmaster and the Clerk are granted anticipatory bail. The learned counsel for the applicant submits that the the deductions if so made are with the consent of the employees and they have given consent letter for the same and in any event he submits that even if deductions are made there is no personal gain to the applicant and the Trust has utilized this fund. He also submits that Section 409 does not apply as it

relates to public servants and the applicant is not a public servant as per Public Trusts Act.

5] Per contra, learned APP, so also, the learned counsel for the assist to public prosecutor submits that the applicant has been deducting the amount from the salaries of the teachers and peons and has been transferring it to the Trust. The learned counsel for assist to public prosecutor submits that the applicant has personally used this amount. However, this fact is not endorsed by the learned APP that the amount is personally utilized.

6] The applicant is arrested on 15.03.2025 and the charge-sheet is filed on 10.06.2025 and that the applicant is behind the bars for over a period of three months. The evidence is documentary in nature. The funds deducted are prima facie utilized by the Trust and even if the amounts are withdrawn without the employees consent the same possibly have been utilized for the purpose of running the school. This court would not comment upon the legality of the deductions made by the applicant. The investigation in the matter is complete and the evidence in the case being documentary in nature, this court would consider granting bail to the applicant as the trial would take considerable time to conclude.

7] The learned counsel for assist to public

prosecutor submits that the applicant has political connections and he may pressurize the witnesses and may insist upon to withdraw the case. The learned counsel submits that, although, there is an order in favour of the applicant in application to assist the public prosecutor made of reinstatement the applicant has not reinstated them and not complied with the orders only to harass the applicant in application for assist to public prosecutor. This court would not get involved into the issue of reinstatement, however, the applicant is granted bail on the condition that he shall not contact the witnesses in any way or influence the witnesses in any manner.

8] In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.0087/2025, registered with Chalisgaon Police Station, District Jalgaon, for the offences punishable under Sections 408, 409, 420 read with 34 of the Indian Penal Code, 1860, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant not to involve in the affairs of the Trust for a period of six (06) months.

c] The applicant, upon being released on bail, shall not contact the informant and the witnesses, in any manner whatsoever, during the pendency of the trial.

d] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

e] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

f] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

9] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant 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 bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

11] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE