

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1391 OF 2023

Yasmin Rahimat Tamboli ...Appellant

Versus

State Of Maharashtra ...Respondent

WITH
CRIMINAL APPEAL NO. 1392 OF 2023

Nasir Kasim Tamboli ...Appellant

Versus

State Of Maharashtra ...Respondent

Mr. Gaurav Parkar a/w Mr. Mahesh Bhosale, Advocate for the
Appellants
Mr. N. B. Patil APP for the State

CORAM : SHIVKUMAR DIGE, J.

DATE : 7th OCTOBER, 2025.

P.C.

1. Heard learned counsel for the appellants and learned APP.
2. Learned counsel for the appellants seeks leave to amend crime number in prayer clause.
3. Leave granted. Amendment to be carried out forthwith.
4. Appellants are apprehending arrest in Crime No. 222 of

2015 registered with Sadar Bazar, Police Station, Solapur, District Solapur for offences punishable under Sections 408, 409, 420, 467, 468, 471, 120(B) read with 34 of the Indian Penal Code and under Sections 3(2)(5), 3(2)(7) of the Prevention of the Atrocities Act and under Section 3(1)(c) of the Prevention of Corruption Act, 1988 .

5. It is the prosecution's case that there was misappropriation of the government money which was provided for implementing the scholarship fees for the students of the backward classes. It is alleged that the misappropriated amount was deposited in the bank accounts of the appellants.

6. It is the contention of the learned counsel for the appellants that the offence was registered in the year 2015. The appellants are on interim relief for two years, but the Investigating Officer did not approach the appellants for investigation nor they have been called by the police for investigation. Investigation is completed and charge-sheet has been filed. The co-accused Dilshad against whom similar allegations are levelled has been released on bail vide order dated 16th October 2023 (Coram: Bharati Dangre, J.). Hence, the appellants are entitled for bail on principle parity.

7. It is the contention of learned APP that the misappropriated

amount of Rs. 13 Lakhs and Rs. 7 Lakhs were deposited in the bank accounts of the appellants. The co-accused were directed to give surety of the said amount. The appellants be directed to give surety of the said amount. The misappropriated amount is government money. Hence, requested to dismiss the appeal.

8. I have heard both learned counsel, perused F.I.R. and documents produced on record. The offence is registered in the year 2015. The appellants are on interim relief for two years. Though they are on interim relief, Investigating Officer did not call them for investigation. Investigation is completed and charge-sheet has been filed. The co-accused Dilshad against whom similar allegations are levelled has been released on bail. His order is not challenged by the State Government. Considering these facts, appellants are entitled for bail on principle of parity.

9. In view of above, I pass following order:

ORDER

I. The Appeals are allowed.

II. In the event of arrest of appellants in Crime No. 222 of 2015 registered with Sadar Bazar, Police

Station, Solapur, District Solapur, they be enlarged on bail on furnishing PR. Bond in the sum of Rs. 20,000/- each with one or two sureties in the like amount.

III. The appellants shall attend the concerned police station as and when required.

IV. The appellants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

10. The Appeals are disposed of in above terms.
11. All concerned to act on authenticated copy of this order.

(SHIVKUMAR DIGE, J.)