



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

ANTICIPATORY BAIL APPLICATION NO. 1738 OF 2024

SIDDIKI ATIKA BEGUM MOHAMMAD HAMEEDODDIN

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

WITH

CRIMINAL APPLICATION NO. 4752 OF 2024 IN ABA/1738/2024

CRIMINAL APPLICATION NO. 801 OF 2025 IN ABA/1738/2024

WITH

ANTICIPATORY BAIL APPLICATION NO. 2067 OF 2024

SIDDIQUI MOHD. MUMSHADODDIN S/O. MOHD. HAMIDODDIN

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant in ABA-1738/2024 : Mr. Kedar Shrimant
Ravsaheb

Advocate for Applicant in ABA-2067/2024 : Mr. M. N. Shaikh h/f
Mr. S. S. Kazi

Advocate for Applicant in Cri. Applications : Mr. H. V. Tungar

APP for Respondents/State : Mr. K.K. Naik

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CORAM : MEHROZ K. PATHAN, J.

DATE : 2nd FEBRUARY 2026

PER COURT :

1. Heard the learned Counsels for the Applicants, the learned Counsel for assisting the prosecution and the learned APP for the State.

2. The Applicants have approached this Court, seeking anticipatory bail in connection with Crime No.194/2024 registered with Beed City Police Station, District Beed for the offences punishable under Sections 420, 423, 409 read with Section 34 of the Indian Penal Code.

3. The learned Counsels Mr. Kedar as well as Mr. Shaikh, for the Applicants in ABA Nos.1738 and 2067/2024 submit that this Court vide orders dated 14.10.2024 and 13.12.2024 has protected the Applicants vide interim orders with a further direction to attend the concerned police station once in a week. The Applicants have attended the police station and cooperated with the investigation. Hence, this Court may, therefore, continue and confirm the order dated 14.10.2024 and release them on anticipatory bail.

. The learned Counsel Mr. Kedar further submits that the Applicant/Siddiki Atika, is working as Headmistress and had opposed the transfer of the school by the present complainant, who claims to be a member of the executive committee of the trust. Despite prohibitory orders of the Charity Commissioner, the complainant is intending to sell the school property. As the Headmistress, the present Applicant has resisted such moves by the complainant, therefore she is falsely implicated in the present crime only with the intention of wreaking vengeance. Though the complainant has been the secretary of the trust since 2010, he did not take any action regarding the alleged violation or commission of fraud by the Applicant in opening an account in Dwarkadas Mantri Urban

Cooperative Bank and withdrawing an amount of Rs. 2 Lakhs. There is a huge delay in registration of the FIR, and the Applicant, being the Headmistress, has been made a scapegoat due to rivalry between two groups before the Charity Commissioner. The Applicant is ready to abide by any conditions that may be imposed by this Court. As the Applicant is not having criminal antecedents, she may be protected.

4. The learned Counsel Mr. Shaikh, for the Applicant in ABA No.2067/2024 submits that the Applicant/Mumshadoddin is falsely roped in the present crime. This Court vide order dated 13.12.2024 has protected the Applicant/ vide interim order with a further direction to attend the police station. The Applicant has attended the police station and cooperated with the investigation. The Applicant is deliberately dragged into the present crime with an intention to wreak vengeance on the family members of the Applicant's real sister, who is the Headmistress of the school run by the trust. The complainant did not make any complaint for 12 years, though he claims to be the secretary of the trust. The amount withdrawn was Rs. 2 Lakhs from an account opened in the name of the school. The Applicant was shown only as Chairman of the said trust, as change proceedings were pending before the Charity Commissioner, wherein the Applicant was shown as Chairman and the sister as Headmistress of the school. The withdrawn amount was utilized for the welfare of the school/institution. The Applicant has no criminal antecedents and is not a history-sheeter and is ready to abide by any conditions that may be imposed by this Court and hence the Applicant may be

protected by confirming of the order dated 13.12.2024.

5. As against this, the learned APP as well as the learned Assisting Counsel specifically rely upon the bank statement and the application made to open an account in the name of Noor Primary Urdu School in Dwarkadas Mantri Urban Cooperative Bank, Beed, on 26.03.2011, which shows a clear intent on the part of the Applicant to withdraw an amount of Rs. 2 Lakhs. Cheque Nos. 4772 and 47725 for Rs. 2 Lakhs were deposited in the account, and the funds were not utilized for the school. The Applicant in ABA No.1738, who is the Headmistress of the school, has acted in total violation of the bylaws of the trust and misappropriated a huge amount by withdrawing the same in the name of the school. The intention to cheat is clear and apparent. Though the Applicant has attended the police station, she has failed to cooperate with the investigation. The Applicant has not submitted the original documents regarding the expenditure incurred by the school, and hence the interim orders may be vacated and the application rejected.

6. The learned Assisting Counsel submits that the Applicants are misutilizing the school property and funds. The Applicant, who is the Headmistress, has withdrawn huge amounts in the name of the school without rendering any account to the trust. The complainant is still shown as Secretary in Schedule-I maintained by the Charity Commissioner, and hence the Applicant in ABA No. 2067/2024 was shown as Chairman only with the intention of withdrawing large

sums meant for the welfare of the school and students, with the intention of cheating the Government and the institution for whom the said amount was to be utilized. The change report is not yet finalized, and therefore the Applicant's pretension of being the Chairman is nothing but clear evidence of his intention to cheat the Government. The application is therefore devoid of merit and liable to be rejected.

7. I have gone through the investigation papers made available by the learned APP as well as the documents annexed to the present applications which contain several orders passed by the Charity Commissioner. It appears that there is a serious dispute between the management of the trust, with the complainant on one side and the Applicant in ABA No.1738/2024, who is the Headmistress running the school, alleged to be supporting the rival group of the trust, on the other side. Change reports are pending, in which the Applicant in ABA No.2067/2024 is shown to be elected Chairman of the said trust. These change applications are under consideration before the Charity Commissioner. Several orders have been passed restraining the transfer of the school property, and the record indicates that the argument that the FIR is an outcome of rivalries between the two groups cannot be ruled out at this stage. However, these observations are prima facie in nature and may not influence the trial Court.

. Thus, taking into consideration that the Applicants were granted interim reliefs vide orders dated 14.10.2024 and 13.12.2024 and have attended before the Investigating Officer, the apprehension

of the learned APP can be addressed by imposing stringent conditions upon the Applicants. I am therefore inclined to protect the Applicants in exercise of powers under Section 482 of the BNS. Hence the following order :

ORDER

- (i) The applications are allowed.
- (ii) The interim orders dated 14.10.2024 in ABA No.1738/2024; 13.12.2024 in ABA No.2067/2024 are hereby confirmed.
- (iii) The Applicants are directed to attend the Beed City Police Station, District Beed on 6th 7th 12th 13th 17th and 18th of February, 2026 and thereafter as and when called by the Investigating Officer till filing of the charge-sheet.
- (iv) The Applicants shall not tamper with the evidence and shall attend the trial on each and every date unless so exempted by the trial on emergency conditions.
- (v) The Applicants shall submit their Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of themselves and two of the near relatives.
- (vi) A single violation of the aforesaid conditions, would entitle the prosecution to seek cancellation of bail of the present Applicants on that ground.
- (vii) With the aforesaid directions, applications are disposed of.
- (viii) The applications for assisting the prosecution are also disposed of.

MEHROZ K. PATHAN
JUDGE

NAJEEB..