

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

ANTICIPATORY BAIL APPLICATION NO. 1876 OF 2025

**1. Mohd. Abdul Zameer Mohd. Abdul Khalique
2. Salman Chaush s/o. Sayed Chaush
Versus
The State of Maharashtra.**

**Mr. Kazi Rahil for Applicant
Mr. D.J. Patil, APP for respondent State.
Mr. Syed Masood Chand for applicant in Cri. Application NO. 4303 of
2025
Mr. G.R. Syed, Advocate for applicant In Cri. Application No. 4302 of
2025.**

CORAM : MEHROZ K. PATHAN, J.

**RESERVED ON : 25TH MARCH, 2026.
PRONOUNCED ON : 8TH APRIL, 2026.**

P.C. :-

1. The applicants have approached this court seeking anticipatory bail in crime No. 346 of 2025, registered with Shivaji Nagar Police Station, District Nanded for the offences punishable under Sections 316-2 r/w. 3-5 of the Bhartiya Nyaya Sanhita.

2. The complainant – Ramchandra Panchange, Deputy Education Officer (Secondary) had registered an FIR thereby stating that the recognition of the Baitul Ulum Urdu Medium School, Nai Abadi, Nanded was cancelled vide order dated 16.4.2025 at the end of the academic year 2024-25 and a communication to that effect was issued on 7.5.2025, thereby directing the Head Master of the School to transfer the students to nearby adjacent schools by sending the UDISE Number. That, for the year 2023-24 and 24-25, the In-charge Head Master Mohd. Abdul Jamir, Head Master and Salman Chaush, Junior Clerk, being custodian of

the records of the Transfer Certificate Register, Admission Register and Audit Reports, have kept the records with them and did not hand over the same to the Education office. The Extension Officer of the Panchayat Samiti, Nanded and Education Officer, Municipal Corporation vide communication dated 11.6.2025 had submitted a report to the Education Officer, Zilla Parishad, Nanded thereby informing that the Panchanama was conducted in the school in the presence of the Extension Officer, and the staff of the Shivaji Nagar Police Station. The Admission Register for the year 2023-24 and 2024-25 as well as the Transfer Certificate book and the Audit Record of the school was not found. Before carrying out the inspection, the In-charge Head Master Mohd. Abdul Jameer and Salman Chaush, Junior Clerk were directed to remain present. However, they failed to remain present or assist the Education Officer. The office letter dated 23.6.2025 and the Block Education Officer, vide communication dated 26.6.2025 proposed to take appropriate action against the accused/applicants. The Education Officer (Secondary), Zilla Parishad, Nanded vide communication dated 1.7.2025, has issued a letter to the Principal and Junior Clerk for handing over the Transfer Certificate Book, Admission year for the academic year 2023-24 and 2024-25 or else, action would be taken. However, the In-charge Head Master and junior clerk (the applicants herein) have failed to respond to the said communication dated 1.7.2025. As the admission record for the year 2023-24 and 24-25 was not available, the students studying in the school could not be accommodated and absorbed in the nearby adjacent schools. Even the students passed out from the 10th standard examination could not be given the Transfer Certificates as the T.C. Register itself was stolen and not handed over by the In-charge Head Master and the Junior Clerk. The In-charge Head Master and the Junior clerk being custodian of the record, have failed to keep the said record in safe custody and did not hand over the records to the nearby adjacent schools. The In-charge Head Master and Jr. Clerk did not respond to the

communication issued by the Zilla Parishad and as such, students who were studying in the school are suffering as their career was at stake. The complainant has thus prayed for appropriate action against the applicants/accused who were In-charge Head Master and Junior Clerk for the Criminal Breach of Trust resulting into registration of FIR No. 346 of 2025.

3. The learned counsel for the applicants submits that this Court vide order dated 20.10.2025 had protected the applicants from arrest on the condition that the applicants shall attend the Police Station as and when called by the Investigating Officer and shall not tamper with the prosecution witnesses. The matter was thereafter listed before this Court on 27.11.2025 and 2.12.2025. The Investigating Officer, during the course of hearing had informed that the applicants have failed to remain present. The learned counsel for the applicant informed that the Investigating Officer did not issue any notice as per the order dated 20.10.2025 and as such, the applicants could not remain present. Taking note of the said fact, this Court vide its order dated 2.12.2025 had directed the applicant to remain present on fixed date and fixed time.

4. The learned counsel for the applicants submits that thereafter, the applicants have attended the police station as directed by this court. The matter, was thereafter listed on 17.2.2026 before this Court. The I.O. present in the Court informed that the applicants have attended the police station, however, have failed to hand over the record of Admission Register, T.C. Register or the Audit Reports.

5. The applicant was again directed to remain present on 25.2.2026 and 26.2.2026 and also directed to hand over the relevant documents, failing which it was noted that the appropriate inference would be drawn regarding the conduct of the applicants. The learned

counsel for applicants, therefore, submits that the applicants have attended the police station and have submitted the relevant documents which were there in their possession, however, the applicants are not in possession of the Transfer Certificate Book or the Admission Register or Audit Reports, as alleged by the prosecution and hence, applicants were not able to produce the relevant documents as noted by this Court vide its order dated 17.2.2026.

6. The applicants have already made a complaint with the police station on 12.1.2025 pertaining to the CCTV footage being damaged by the son of the Secretary and his associates. The applicants have further made a complaint to the police station about missing of the record on 23.1.2025. However, no such cognizance was taken by the Police Officers. The applicants, therefore, filed an application under Section 156(3) of the Cr.P.C. which is registered as Criminal M.A. No. 419 of 2025 before the learned JMFC, Nanded on 12.6.2025. The prosecution has filed its say in the said proceeding on 30.10.2025.

7. The learned counsel for the applicants submits that the applicant No.1 is the In-charge Head Master of the school, which is now closed down by the orders of the Education Officer. The applicant No.2 was working as Junior Clerk in the said school. The allegations of stealing of records are deliberately made by the Deputy Director of Education vide communication dated 16.4.2025 at the instance of the Secretary of the Trust with an intention to wreak vengeance. The complainant is acting at the behest of the erstwhile Secretary who is removed from the Trust. There are two factions in the society/Trust as could be noted from the recognition withdrawal order passed by the Deputy Director of Education. The disputes between the two managements has resulted in to allegations of stealing of records and allegations of criminal breach of trust is not made out against the

applicants. The applicants are falsely implicated in the present crime. The applicants have, therefore, registered a complaint in the police station, however, the FIR was not registered and as such, the applicants were required to approach the Magistrate for action under Section 156(3) of the Cr.P.C. for registration of FIR. The applicants were protected by the orders of this Court vide order dated 20.10.2025 which was thereafter continued from time to time. The applicants are further ready to abide by any conditions that may be imposed by this Court. The applicants are not having any criminal antecedents. Hence, the applicants may be released on anticipatory bail.

8. The learned counsel for the applicants submit that the applicants have filed this bail application and have contended that, the report is registered against them without any single piece of evidence and without reasonable suspicion or credible information. The allegations made in the report are false and fabricated. The applicants have not committed offence as alleged in the report. There is inordinate delay of three months in lodging the report and it creates suspicion about truthfulness of the same. In fact there is inter-se rift between the trustees and many counter change report are pending before the Assistant Charity Commissioner, but the applicants are not concerned with the same. Thereafter, the Secretary has started harassing them by using various means and inflicting pressure to resign. Even the appointment of applicant No. 1 as in-charge Head Master of school was challenged. Moreover, on the day of alleged incident the Secretary of the society had visited the school with his sons and has created chaos and man handled applicant No.2, so N.C. of the same is registered by the applicant No.3. Nothing is to be recovered or discovered from the applicants. So, on these grounds and grounds stated in detail in the application, it is prayed that, they be released on anticipatory bail.

9. As against this, Mr. Patil, learned APP, alongwith other two intervenors vehemently oppose the application on the ground that the applicants are playing into the hands of other members of the Trust, who are having rivalry with the erstwhile Secretary of the Trust, due to the inter-se disputes and rift between the trustees. Change Reports are pending before the Assistant Charity Commissioner. However, the applicants, Incharge Head Master and Junior Clerk, had acted hand in gloves with the other faction so as to benefit them in getting hold of the situation and causing trouble to the erstwhile Secretary, which has resulted in loss of the career of students taking education in the school.

10. The applicants were not even present at the time of preparation of panchanama and did not respond to the notice , which would itself show that the applicants have no regard to the rule of law and no regard for the career of the students who are suffering due to the loss of record. The Admission Register and T.C. Register of the students have been concealed by the applicants, who were custodian of the records, The applicants, if released on bail, may again tamper with the evidence and thereby cause threat to the future of the students. The parents of the students have themselves filed intervention applications opposing grant of bail to the applicants. The learned APP further submits that despite the direction issued by this Court, time and again to cooperate with the investigation and hand over the relevant documents, i.e. T.C. Register, Admission Register and Audit Reports, the same have not been submitted by the applicants to the Investigating Officer. This Court, vide order dated 17.2.2026 has specifically recorded that if the applicants failed to hand over the T.C. Register, Admission Register and Audit Reports, to the Investigating Officer, an adverse inference would be drawn about the conduct of the applicants.

11. The learned APP further submits that during the course of

investigation, the Investigating Officer has recorded statements of persons/incumbent Education Officers, who had taken charge during the relevant time, who have stated that the applicants have failed to respond to the notice or remain present to hand over the record of the school. Thus, the learned APP submits that the applicants, though have obtained interim orders, they have failed to cooperate with the investigation. The conduct of the applicants, therefore, does not deserve release of the applicants on anticipatory bail. Hence, the application may be rejected.

12. I have gone through the record and investigation papers made available by the learned APP. I have also gone through the order dated 20.2.2025 passed by this Court and the subsequent orders dated 2.12.2025 and 17.2.2026. Perusal of the investigation papers and documents submitted by the applicants during the course of investigation would show that the applicants had made an application to the Police Station as well as the Superintendent of Police regarding damage to the CCTV footage and the missing of records. The learned JMFC appears to have called for the report of the Investigating Officer. The Investigating Officers had submitted a report to the learned JMFC, vide communication dated 30.10.2025. Perusal of the communication dated 30.10.2025 would show that despite various steps taken by the Education Officer, the applicants who were custodian of the records, have failed to produce the record and thereby caused loss to the careers of the students. Taking into consideration the applicants who were working as In-charge Head Master and Junior Clerk, were receiving payments from the Zilla Parishad, Nanded. They were considered to be the public servants and thus, initial offence under Section 316(2) was thereafter converted into an offence under Section 316(5) of Bhartiya Nyaya Sanhita i.e. Criminal Breach of Trust by a Public Servants, which is punishable with life imprisonment.

13. Perusal of the statement recorded during the course of investigation of witness Ramchandra Pachange, Deputy Education Officer, dated 16.9.2025 would show that despite communication issued by the Extension Officer, the applicants have failed to remain present for the Panchanama which was conducted in the presence of the Special Teacher and the office staff of Shivajinagar Police Station. The inspection carried out on the said date did not reveal any such record available in the School Premises, which were being handled by the applicants being In-charge Head Master and Junior Clerk. The said statement further shows that various communications were issued from the office of Zilla Parishad on 23.6.2025, 26.6.2025 and 1.7.2025 to the applicants, for handing over the Admission Register for the academic year 2023-2 and 2024-25 and Transfer Certificate Register. However, the applicants have failed to submit the said record.

14. Perusal of record further shows that one teacher Afsha Ifat, has specifically stated that the applicant No.1 being in-charge Head Master and applicant No.2 being Junior Clerk were taking care of the Admission Register, Transfer Certificate Register. The copies of the Admission Register extracts were signed and handed over by both the applicants to the students, who were in need of the same. The said record was handled by the applicants in their official capacity and as such, they were custodian of the said record. The record further shows the statement of Education Officer, Madhav Dudhmande who had retired from service as Extension Officer, Panchayat Samiti Nanded. The statement shows that on 18.12.2024, he had visited the school pursuant to the orders of the Block Education officer and has requested for getting the records of the school as the recognition of the school itself was withdrawn on 9.12.2024. However, the applicant No.1 In-charge Head Master had asked him to give written communication. The applicant No.2 Junior Clerk had put the lock on the office. Thereafter, the office

staff of Shivaji Nagar Police Station, Mr. Mane had come along with another constable and put his lock and the keys were kept in the Shivaji Nagar Police station . That, on 28.12.2024 they have visited the school with a direction to Block Education Officer, Panchayat Samiti Nanded. However, the applicants were not present in the school and the school was locked. The main office of the school was locked and there were 3 students and one teacher Afsha Ifat present and they were not having the Admission Register. Record further shows that the Education Officer, Zilla Parishad Nanded further issued notice to the applicants on 1.7.2025 that despite notices issued to the applicants, the applicants have failed to cooperate and submit the TC Register, Admission Register.

15. The investigation papers further shows that on 2.6.2025, the inspection was carried out for opening the lock of the office with the assistance of the key maker. The TC Register and Admission Register were not found in the office. The Inquiry Committee was formed consisting of the Education Officer of the Municipal Corporation Nanded as its Chairman. The Chairman has specifically issued communications to the Block Education Officer, Panchayat Samiti, Nanded, about the non cooperation of the present applicants in the said crime and in search of the T.C. Register and Admission Register and informing about the Inspection carried out on 2.6.2025, wherein, no record was found. The station diary entries contains that in pursuance to the order dated 17.2.2026, passed by this Court, the applicants though have remained present before the Investigation Officer on 25.2.2025 and 26.2.2026 however, they have failed to hand over the Admission Register and T.C. Register. Accordingly, the station diary entries bearing DD No. 15 on 26.2.2026 at 12.21 hours was taken.

16. Thus, the record reveals that the applicants have no regard to the rule of law and the interim order passed by this Court. The applicants

being in-charge Head Master and Jr. Clerk were the custodian of the records of the school and it was their duty to maintain the same and hand over to the Education Officer, or to the nearby school where the students of the school were directed to be absorbed. However, the applicants have deliberately retained the said record, with the intention of supporting the other faction of the society, which has resulted in causing loss to the career of the students. The report of such incident is lodged by none other than the Education Officer, Zilla Parishad, Nanded himself after conducting the detailed inquiry in the matter, alleging retaining of the records by the applicants despite several communication issued by him. Despite the interim orders, passed by this Court the applicants have failed to submit the T.C. Register and Admission Register to the Investigating Officer, as directed by order dated 17.2.2026. Thus, there is sufficient material on record to show the direct involvement of the applicants in the said crime. The initial offence of criminal breach of trust has now been converted into the offence of criminal breach of trust by a public servant, as the applicants were drawing salaries from the Zilla Parishad. The said offence is punishable with imprisonment for life.

17. Taking into consideration the gravity of the offences and career of the students put at stake, it would be necessary that the applicants are given in custodial interrogation to the Investigating Officer, as it appears that without custodial interrogation of the applicants, the records would not be found. The custodial interrogation of the applicants is necessary to investigate the crime from all angles and also to unearth the involvement of such accused persons who may be behind the conspiracy of stealing of the record in connivance with the applicants. The custodial interrogation would enable the Investigating Officer to conduct the investigate without any hurdle and may result in revealing the entire conspiracy. Taking into consideration these aspects and the conduct of the applicants, I am not inclined to exercise discretionary

powers under Section 482 of BNSS. The applicants have failed to make out a case to exercise the discretion under Section 482 of BNSS for grant of anticipatory bail. The application is, therefore, rejected. Criminal Application No. 4302 of 2025 and 4303 of 2025 for assisting prosecution also stand disposed of accordingly.

[MEHROZ K. PATHAN]
JUDGE.

(a) At this stage, the learned Counsel for the Applicants prays for continuation of the interim order for a period of two weeks so as to take appropriate steps.

(b) Taking into consideration the interim relief which was operating since 20.10.2025, the same is continued for a period of two weeks.

(c) The interim order shall expire after a period of two weeks.

[MEHROZ K. PATHAN]
JUDGE.