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

ANTICIPATORY BAIL APPLICATION NO.661 OF 2022

**MANGALDAS NANDLAL BHAVARE
VERSUS
THE STATE OF MAHARASHTRA**

Mr. B. R. Waramaa, Advocate for applicant;
Mr. K. S. Patil, A.P.P. for respondent;
Mr. S. P. Brahme, Advocate for complainant

CORAM : S. G. MEHARE, J.

DATE : 30th September, 2022

PC.

1. Heard the learned counsel for the applicant, the learned A.P.P. for the respondent/State and the learned counsel for the complainant.
2. The facts have been discussed in detail in the order dated 24.05.2022 and considering the facts, the *interim* protection was granted to the applicant. It is not in dispute that two groups were fighting in Trust as usual. The allegations have been levelled against the applicant that he has issued the orders of appointment of teaching and non-teaching staff without authority. The objection has been raised by the opponent that he has played a fraud.
3. The learned A.P.P. has opposed the application contending that the offence is serious and the trust has been put to financial loss. Hence, the application be rejected.

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4. Mr. Brahme, the learned counsel appearing for the complainant has strongly opposed the application contending that there are antecedents to the discredit of the applicant. He has put the Trust to heavy financial loss. He had no power to deal with the business of the Trust. The interest of the Trust was to be protected. The offence is serious. Hence, the application deserves to be dismissed.

5. Perused the papers. Two rival groups in the Trust are fighting. It is not in dispute that the applicant and the opponent are claiming the interest in the Trust. Who was in power and authorized to issue appointment orders, is a question of fact. That can be ascertained on merit. However, *prima facie* it appears that there is nothing to be recovered from the applicant and no purpose would be served if the applicant is sent to face the custodial interrogation. In that view of the matter, the application deserves to be allowed. Hence, the following order:-

- i) The application is allowed.
- ii) The interim protection granted to the applicant by order dated 24.05.2022 is confirmed on the same terms and conditions, except the condition to attend the police station on every Monday. However, the applicant shall attend the police station as and when called by the Investigating Officer on written notice.

(S. G. MEHARE, J.)

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