

MHND010013982026



IN THE COURT OF SESSIONS, AT NANDED
DIST. NANDED.

CRIMINAL BAIL APPLICATION NO. 508 OF 2026
IN
(CR NO. 346/2025 of Shivaji Nagar Police Station)

Salam @ Salman Chaush s/o Sayed
Chaush

Age : 30 years Occu: Teacher
R/o. Shivaji Nagar, Nanded.

.....Applicant

V/s.

The State of Maharashtra

(At the instance of Shivaji Nagar Police
Station)

.....Respondent

Appearance :-

Ld. Advocate Mr. G.R Hande for the applicant.
Ld. APP Mrs. M.A. Battulla for State

CORAM : ADDL. SESSIONS JUDGE-1, NANDED
SHRI. T.T. AGLAWE,

:- ORDER :-
(Date : 11.06.2026)

The applicant has filed present application for releasing him on bail in connection with Crime No. 346 of 2025, registered with Shivaji Nagar Police Station, for the offences under Sections 316(2) and 316(5) r/w/s 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. Perused application and reply of Investigating Officer below Exh. 05.

3. Heard Learned advocate for the applicant and learned Addl. PP for the State.

4. The case against the applicant is that, he was working as Jr. Clerk at Baitul Ulum Urdu Medium School at Nai Abadi, Nanded. It was duty of the applicant to record and maintain the T.C, Nirgam register and other documents of the students. The Divisional Education Director has cancelled the sanction of the said school at the end of 2024-2025. The students of the said school were to be accommodated in the nearby school. However, the applicant and the in charge Head Master did not maintain the record. In the audit, it was found that many of the record is misplaced and the applicant and co-accused have failed to produce entire record. Thus, the applicant and co-accused have committed criminal breach of trust by not maintaining the record.

5. The Ld. Advocate for the applicant submits that previous bail application was rejected as the investigation was pending. Now after completion of the investigation, charge-sheet has been filed. Some documents were not available with the applicant at the time of first bail application. The applicant is able to point out the material document from the charge-sheet which were not available at the time of hearing of the first bail application. It is material change in circumstance for which second bail application is maintainable. The

documents produced by the applicant would show and demonstrate that there is previous dispute in the management with the Secretary. There is no evidence of entrustment of the documents. As the investigation is complete, no purpose will be served by detaining the applicant for in-definite period. The applicant is ready to abide by all the terms and conditions.

6. On the other hand, the Ld. APP has argued that as per FIR and charge-sheet, the material documents of the students are missing from the school. The applicant and co-accused were responsible for maintaining the custody of those documents. The students are facing hardship due to act of the applicant and co-accused. The applicant may hamper the witnesses and may create false documents, if released on bail.

7. Perused the record and written arguments of applicant and Ld. APP below Exh. 25 and 22 respectively.

8. Previous bail application of the applicant was rejected by order dated 18-05-2026 for the reason that the investigation was pending. Now the Ld. Advocate for the applicant has produced copy of charge-sheet to support his contention that the investigation is completed.

9. As regard the maintainability of present application, the Ld. Advocate has relied on **Laxman Iraappa Vs. State of Maharashtra, 2004 (4) Mh.L.J 415**. In this case, the Hon'ble Bombay High Court has

held that *“when earlier bail application is rejected and fresh application is filed after filing of charge-sheet, it is not open for the court to held that filing of charge-sheet is not substantive change of circumstance. The Court is obliged to consider merits of the case afresh by allowing the applicant or his Advocate to argue on the application for bail on the basis of documents supplied to the accused with the charge-sheet”*.

10. The Ld. Advocate for the applicant drew my attention to statement of police constable Sahebrao Jagtap recorded on 29-11-2025. Therein he has stated that due to on going dispute between the clerk and the Secretary of the school, the office of the school was locked and the keys were deposited in the police station.

11. The Ld. Advocate for the applicant drew further attention to resolution of the society whereby the Secretary has been removed from the school.

12. The Ld. Advocate for the applicant, regarding principles for grant of bail has relied on **Sanjay Chandra Vs. CBI, AIR 2012 SC 830**.

13. On the other hand, the Ld. Advocate for intervenor / Secretary of society in support of his written submissions for rejection of bail has relied on 1) **State of Maharashtra Vs. Rajkumar 2001 Supreme 1095** and 2) **Balasaheb Satbhai Marchant Co-op. Bank Vs. State of Maharashtra and ors 2011 SC (Bom) 1120** and 3) **Y.S Jagan Mohan Reddy Vs. Central Bureau of Investigation 2013 SC 472**.

14. I have gone through the above authorities. In **State of Maharashtra Vs. Rajkumar**, the issue for consideration before the Hon'ble High court was refusal to grant police custody remand and hasty release on bail. In the present case after sufficient police custody, the accused are in jail and now investigation is complete.

15. In **Balasaheb Satbhai Merchant Co-op. Bank Vs. State of Maharashtra** the issue for consideration was cancellation of bail on the ground of misuse of liberty. Whereas in **Y.S Jagan Mohan Reddy Vs. C.B.I.**, bail in economic offence was rejected during pendency of the investigation. In the present case, the investigation is complete and therefore, the authorities relied upon by the intervenor will not be applicable.

16. Charge-sheet is filed for offence punishable u/s. 316(2) and 316(5) r/w/s 3(5) of the B.N.S. Same is triable by the J.M.F.C. The offence is not punishable with death penalty. It is settled principle of criminal jurisprudence that bail is a rule and jail is an exception. Though, charge-sheet is filed, the trial is not expected to commence and conclude in near future. No purpose will be served by keeping the applicant behind bar for in-definite period. Rejecting the present application will amount to pre-trial detention which is not warranted. Considering nature of offence and gravity of punishment, no exceptional case is made out to reject the application. The ground opposing bail, can be addressed by imposing suitable conditions. Hence, following order :-

ORDER

1. The application is allowed.
2. Applicant by name **Salam @ Salman Chaush s/o Sayed Chaush** be released on his executing P.R. Bond of **Rs.50,000/-** with surety in the like amount, on following conditions:
 - i) The applicant shall attend the trial regularly unless exempted.
 - ii) Applicant shall not tamper with the prosecution evidence.
 - ii) Applicant shall not influence the prosecution witnesses in any manner.
3. Bail before J.M.F.C.

Dictated and Pronounced in Open Court.

Date : 11.06.2026

(T.T. Aglawe)
Addl. Sessions Judge-1,
Nanded.

CERTIFICATE

I affirm that the contents of this PDF file order are same, word to word, as per the original order.

Name of stenographer	Y.S. Kausadikar, Grade-1
Name of Court	Addl. Sessions Court-1, Kandhar
Date of Dictation	11.06.2026
Order signed by the P.O on	11.06.2026
Order uploaded on	11.06.2026

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