

MHNS070002432026



**ORDER BELOW EXHIBIT NO.1**  
**IN CRIMINAL BAIL APPLICATION NO.112/2026**  
**PAWARWADI POLICE STATION C.R. NO.181/2025**  
**NAEEM AKHATAR SAGEER AHMAD Vs. STATE OF MAHARASHTRA.**  
**( PASSED ON 13<sup>th</sup> DAY OF MARCH, 2026 )**

This application is on behalf of the applicant – Naeem Akhatar Sageer Ahmad vide Section 483 of the Bhartiya Nagrik Surksha Sanhita, 2023 (BNSS) to enlarge him on bail.

2. This application is strongly opposed on behalf of prosecution as per reply Exh.04.

3. Points for the determination and my findings thereon for the reasons stated below;

<b>SR. NO.</b>	<b>POINTS</b>	<b>FINDINGS</b>
I.	Whether grounds are justified to release applicant/accused on regular bail vide Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 ?	No.
II.	What Order ?	The Application is Dismissed.

## **REASONS**

4. Perused application, say filed. Heard learned advocate Shri. A.A. Khan for applicant, as well as learned A.P.P. Shri. M.S. Fulpagare and Shri. S.M. Damodhar for the State. Heard investigating officer and learned advocate of intervener Shri. T.R. Band.

### **AS TO POINTS NO. I AND II :**

### **BRIEF FACTS OF THE PROSECUTION :**

5. The informant is one of the victim. She is school teacher at Education institute by name – Badi Malegaon High School, Malegaon. The accused No.1 Mohammad Issak Khalil Ahmad is the Chairman of this Education Institute. The accused No.2 Jahid Husain Mohammad Ali is the Principal of this School. The accused No.3 Nasir Husain Mohammad Ali is the Clerk at the said Institute. One more victim namely – Seema Tarranum Nihal Ahmad is also a School Teacher at the said education institute. Both the victims are school teachers (Sub-teachers) at the said education institute since the year 2013. They are receiving remuneration from this education institute and subsequently granted 20 % salary to the grade since November 2023.

6. The informant was eligible to the criteria of appointment of teacher in a grant aided school of this institute however she was declined to the aided school and kept her as a sub-teacher to the Non-aided school of this institute. The vacancy of the teachers in the said institute since the year 2016 have not filled up with the eligible candidates. When she has asked for her appointment as per the Government Notification to the grant aided school that time the Management of the school and the Principal have made demand of Rs. 5 lakhs towards the amount of donation. She has not paid the said amount as such the education institute has filled those vacant post from other candidates by accepting huge amount of donation. Those candidates were in all 13 and present applicant is one of those 13 candidates.

7. The present prosecution is in respect of grant of proposal by the education department forwarded by this education institute of 13 teachers without adopting due process of law and illegally forwarded the proposal. The said proposal pretended that those 13 teachers were in employment of the education institute as teachers since the year 2012 onward. Then got approval from the education department as such drawn salary with arrears illegally. Those 13 teachers are not eligible to appoint as sub-teachers. The education institute in connivance with the education department have siphoned off the amount of

Rs.2,69,56,194/- towards salary of those 13 teachers since the year 2012. Thus they have cheated to the victims as well as to the government. The money siphoned off was public money.

8. On that count, the informant lodged the report at police station Pawarwadi on 27.07.2025. The police station officer Pawarwadi registered crime No.181/2025 for the offence punishable under Section 318(4), 336(2), 336(3), 338, 340(2), 61(1) of the Bharatiya Nyay Sanhita, 2023 against accused No.1 to 5. Later on name of present applicant is disclosed. The investigating officer further added section 316(4) and 316(5) of BNS in this crime. The investigating officer added one more offence under section 238 of the BNS.

9. The applicant was arrested on 01.09.2025 and produced before the Court. He was remanded to police custody till 04.09.2025. Then he is remanded to judicial custody. The applicant/accused No.6 is presently in judicial custody.

**NOTICE TO VICTIM :**

10. In the light of directions of Hon'ble Apex court in the case of **Jagjeet Singh V/s. Ashish Mishra @ Monu in Criminal Appeal No.632/2022 Dated 18.04.2022**, a victim is entitled to be heard at the stage of adjudication of bail application of accused. Relying upon these observations, the notice is issued to the

informant. The informant was appeared and she has engaged private advocate Shri. T.R. Band. They have strongly objected for grant of bail to this applicant.

**MAINTAINABILITY OF SUCCESSIVE BAIL APPLICATION :-**

11. The applicant has earlier filed application for regular bail vide Criminal Bail Application No. 1082/2025. At the time of filing bail application of this applicant, the charge-sheet was not filed. During pendency of the application for bail, charge-sheet is filed hence the applicant withdrawn his application for bail before hearing. The leave was accorded accordingly the said application for bail of this applicant is disposed off as withdrawn as per order dated 24.11.2025.

12. Pursuant to that, the applicant has moved application for regular bail after charge-sheet before learned magistrate and the said application for bail is dismissed by learned magistrate. Then the applicant moved this successive application for bail after charge-sheet. This successive application for bail is maintainable.

**CRIME CAME TO BROAD LIGHT PURSUANT TO ASSEMBLY QUESTION:**

13. The present prosecution is in respect of forwarding of

proposal of the ineligible candidates as sub-teachers of the education institute for approval by the education department. The education institute has not followed the norms for filling of vacancies in the institute as sub-teachers and forwarded the proposal illegally with forged documents. The education department evaded the directives of the government vide circulars in respect of appointment of sub-teachers and grant of approval. The education department without verifying the proposal forwarded of ineligible candidates in respect of sanction and thereby accorded approval to 13 ineligible sub-teachers and have shown as sub-teachers appointed since the year 2012 onward at the school of said education institute.

14. This issue was raised in Maharashtra Assembly as to the recruitment of bogus teachers in the education institute in connivance with education department and thereby siphoned off crores of rupees then this crime along with like wise other crimes registered at various police stations. Thus these instances came to limelight pursuant to the starred question raised in Assembly.

15. Since the amount involved in this crime runs in crores of rupees to the tune of Rs.2,69,56,194/- as such the investigation of this crime is assigned to the Economic Offences Wing, Nashik Rural.

16. Present applicant is sub-teachers at the said school of the Education Institute – Badi Malegaon. The applicant is ineligible to the post of sub-teacher. The education institute along with the applicant and others have plotted conspiracy to show his appointment back dated in order to draw salary with arrears and accordingly sent the proposal to the education department. After grant of approval by the education officer – accused – Pravin Patil, the salary with arrears was drawn and it was credited to the account of beneficiaries i.e. those 13 ineligible sub-teachers including present applicant.

**PROPOSAL SENT BY EDUCATION INSTITUTE -**

17. The education institute above named has forwarded a proposal of following 13 teachers to the post of sub-teacher in a school of the said education institute;

- i) Naim Akhatar Sameer Ahmad (Present applicant/Accused No.6)
- ii) Aalia Mohammad Mustafa (Accused No.14)
- iii) Imtiyaz Ahmad Riyaz Ahmad (Accused No.7)
- iv) Sana Kausar Ashfaque Ahmad (Accused No.15 )
- v) Shaikh Arif Mohammad Ibrahim (Accused No.10)
- vi) Sariya Mohammad Tahir / Sariya Athar Hussain (Accused No.16)
- vii) Ansari Sumaila Shakil Ahmad, (Accused No.17)

- viii) Tasnim Firdious Mohammad Arif (Accused No.18)
- ix) Afeefa Afrin Mohammad Amin (Accused No.19)
- x) Summaiya Sadaf Mohammad Hanif (Accused No.20)
- xi) Afaque Anjum Ashfaque Ahmad (Accused No.8)
- xii) Faheem Ahmad Iqbal Ahmad (Accused No.9)
- xiii) Ansari Mariya Sadaf Masood Ahmad (Accused No.21)

18. The name of above thirteen candidates were forwarded to the education department by the education institute in order to accord approval to the proposal to the post of sub-teachers and disbursement of the salary as 100 % aided.

**WITHDRAWAL OF SALARY BY THE SUB-TEACHERS -**

19. In the light of recitals of FIR and charge-sheet, it is evident that after grant of approval by the education officer, further the order of disbursement of salary passed by accused Bhausahab Chavan – Deputy Director of Education, the above 13 teachers have withdrawn the salary with arrears of the amount mentioned as under;

- i) Naim Akhatar Sameer Ahmad (Applicant/Accused No.6) –  
Rs.46,03,756/-, Rs.3,18,714/-, Rs.65,358/-
- ii) Aalia Mohammad Murtuja – (Accused No.14)  
Rs. 50,83,064/-
- iii) Imtiyaz Ahmad Riyaz Ahmad -(Accused No.7)  
– Rs.50,83,064/-

- iv) Sana Kausar Ashfaque Ahmad – (Accused No.15)  
Rs.14,96,517/-
  - v) Shaikh Arif Mohammad Ibrahim (Accused No.10)  
– Rs. 14,96,517/-
  - vi) Sariya Mohammad Tahir / Sariya Athar Hussain –  
(Accused No.16) Rs. 50,83,064/-
  - vii) Ansari Sumaila Shakil Ahmad – (Accused No.17)  
Rs. 80,20,064/-
  - viii) Tasnim Firdious Mohammad Arif – (Accused N.18)  
Rs. 3,76,522/-
  - ix) Afeefa Afrin Mohammad Amin – (Accused No.19)  
Rs. 3,76,522/-
  - x) Summaiya Sadaf Mohammad Hanif – (Accused No.20)  
Rs.3,64,334/-
  - xi) Aafaque Anjum Ashfaque Ahmad (Accused No.8)  
– Rs. 3,73,932/-
  - xii) Faheem Ahmad Iqbal Ahmad (Accused No.9)  
– Rs. 2,99,387/-
  - xiii) Ansari Mariya Sadaf Masood Ahmad – (Accused No.21)  
Rs. 11,33,389/-
- Total amount of Rs. 2,69,56,194/-.

20. This above amount after grant of approval and order of disbursement of salary, routed to the bank account of above beneficiaries with arrears. The said amount is immediately

withdrawn by the concerned beneficiaries. Some part of amount to some of the account of beneficiaries were lying and the investigating agency has freezed the said bank account of the beneficiaries with amount in the said account.

**HOLDING QUALIFICATIONS BY THE APPLICANT :**

21. According to the case of prosecution, the applicant has shown illegally appointed as sub-teacher in back dated since the year 2012 onward and got proposal sanction in the month of June 2024. Thus the applicant as beneficiary has siphoned off the amount of salary as well as arrears.

22. According to applicant, he is duly appointed as per the qualification holding by him on the respective date of appointment mentioned as under;

<b>Sr. No.</b>	<b>Name</b>	<b>Date of Appointment</b>
1.	Naeem Akhatar Sageer Ahmed	15.12.2012

23. Further, it is vehemently argued on behalf of learned advocate of applicant that the applicant received outstanding salaries only from the date of his respective appointment and only for the period he has worked.

24. In the light of rival submissions on behalf of learned advocate of applicant and the prosecution, the following information is drawn as per the case of applicant holding educational qualification against the date of publication of advertisement, date of interview and date of his appointment. It is mentioned as under;

25. **Applicant – Naeem Akhatar Sageer Ahmed**

- a) Date of Birth – 20.07.1987, aged 25 years at the time of appointment.
- b) The required Qualification as per the advertisement – H.S.C. D. Ed
- c) His Educational Qualification – H.S.C, D.Ed.
- d) The date on which he got his Qualification of D. Ed.- 30.12.2009.
- e) Date of Interview – 02.12.2012
- f) Date of Appointment – 15.12.2012

In the light of this information provided, it is evident that even as per the case of applicant, the applicant was holding the required qualification of D. Ed. to the post of sub-teacher on the date of advertisement, on the date of interview and on the date of his appointment.

26. The case of prosecution that the appointment of

these 13 teachers was shown back dated. It is not the case of prosecution that on particular above date mentioned, the applicant was appointed. It is the case of applicant that he was appointed on the respective date as mentioned above in tabular format. On that count considering the case of applicant, the above information is extracted. The applicant is qualified D.Ed on 30.12.2009 and he got his appointment on 15.12.2012.

27. Needless to mention, the required qualification on the date of appointment ought to have been looked into. The candidates holding merit ought to have been selected irrespective of date of their pass out. However in this case, the case of prosecution pertaining to the back dated appointments were shown.

28. Now switching towards the involvement of applicant, it appears that present applicant was shown as working sub-teacher at the Institution Badi Malegaon and this applicant simultaneously was in education as a regular student for B.Ed at Sardar College of Education, Malegaon during the year 2018 – 2019 and 2019-2020. According to prosecution, this applicant was failed in B.Ed however according to the applicant, as per the Mark-sheet placed on record he passed both the year of B.Ed during the year 2018-2019 and 2019-2020.

29. The prosecution has objection as to his regular student of B.Ed education and shown his regular sub-teacher at Badi Malegaon Institute. The learned advocate of applicant replied that this applicant with prior permission of the education institute has attended the classes as regular student of B.Ed education in morning hours and then he attended the Badi Malegaon Education Institute as sub-teacher in afternoon. Therefore according to the applicant, there is no illegality in attending regular classes of B.Ed education simultaneously while working as sub-teacher. Further learned advocate of applicant submitted that the applicant is ready to refund the amount of salary withdrawn by him as arrears.

30. In the light of this submission, it is evident that the applicant has attended the classes as regular student of B.Ed education and simultaneously worked as sub-teacher during the said period. Though it is with the permission of education institute, however he was serving as sub-teacher in one education institute and he was regular student in other education institute for the said period. It is the case of prosecution that, this applicant was never appointed in the year 2012 and the entire record was fabricated in order to withdraw the arrears from the year 2012. This applicant has withdrawn the salary from the education institute not as a sub-teacher but his designation was shown as Clerk at the said institute.

31. Further the applicant in the light of his date of pass out and the manner of recruitment calling limited number of candidates for the interview and then suddenly got appointment letter by the education institute apparently speaks a volume about his appointment in subsequent education institute.

**PRIOR PERMISSION OF ADVERTISEMENT FOR APPOINTMENT:**

32. It is not in dispute that the education institute – Badi Malegaon is a minority education Institution. On that count, learned advocate of applicant submitted that there is no requirement of prior permission of advertisement by the minority education institution from the Education Officer to the appointment of teachers. This rule is applicable in case of other education institution other than minority.

33. In the light of this submission as well as learned advocate of intervener subsequently conceded that there is no requirement of prior permission of the education officer for advertisement in the news paper for the recruitment to the appointment. Thus the lacunae pointed out by learned APP, advocate of intervener and investigating officer as to the requirement of prior permission of advertisement is not well founded.

**REQUIREMENT OF TEACHER'S ELIGIBILITY TEST (TET)  
EXAMINATION :**

34. One more objection was raised that all these 13 teachers were not holding TET qualification. According to prosecution, now it is mandatory for the teachers to hold TET qualification. In reply, learned advocate of applicant submitted that it is minority institution and TET requirement has no application for the appointment of sub-teachers to the minority institution.

35. Recently, Hon'ble Apex Court decided the said issue in the case of **Anjuman Ishaat-E-Taleem Trust Vs The State of Maharashtra and others in Civil Appeal No.1385/2025 dated 01.09.2025** that, TET qualification is mandatory to the minority institutions. In the said judgment, the guidelines are laid down as to the applicability of the TET to in – service teachers as mentioned in para No.214 to 219.

36. However, the said observation is pursuant to the grant of proposal in the month of June-2024. Therefore the said mandate of TET qualification cannot be applied as the requirement to present applicant on the date of his approval by education department retrospectively.

37. In the light of foregoing, the submission of prosecution about requirement of TET qualification as mandatory to applicant on the date of approval in the month of June 2024, is not acceptable.

**REQUIREMENT OF UPDATION OF NAME OF APPLICANT TO UDISE:**

38. It is submission on behalf of prosecution that the name of these 13 sub-teachers only not updated to UDISE. The name of rest teachers from the said institute are updated to UDISE. Now it is mandatory for the student as well as teachers to update the data on UDISE.

39. In response to this objection, it is submission on behalf of applicant that the entry to UDISE was initially for students and subsequently since the year 2023 the name of teachers were entered in the UDISE system. Therefore there was no possibility of applicant name to be reflected to the UDISE system. The absence of entries of the applicant at that point of time on UDISE portal cannot be effected adversely against the applicant.

40. In the light of this submission, at the outset the UDISE (Unified District Information System for Education) is

recently by virtue of directives of the Ministry of Education to update the entries of the students as well as teachers to the said portal. The name of teachers to the said portal could be uploaded pursuant to the approval granted by education officer. The said approval was in the month of June 2024. The said updation to the portal shall be carried by the education institute before disbursement of salary.

41. Thus it is on the part of education institute to incorporate name of teachers to UDISE to which sub-teacher/ applicant cannot be put at blame. The said incorporation of the name of teachers shall be pursuant to the appointment. The name of rest teachers including the teachers from non-aided school are updated to the portal. Only the name of these 13 teachers are not updated to the portal. This fact creates suspicion as to the manner of appointment of these 13 teachers.

**APPOINTMENTS DURING PANDEMIC OF COVID-19:**

42. According to prosecution, the appointments of some of the teachers in the said proposal are shown during pandemic of COVID-19 despite ban by the State Government for the appointment of teachers during pandemic. In reply, learned advocate of applicant submitted that this ban of appointment of the teachers during pandemic of COVID-19 has no application to

the minority institutions.

43. In the light of submission and learned prosecution subsequently conceded that the circular issued by the State Government dated 5.5.2020 imposing ban on recruitment during pandemic of COVID-19 has no application to minority institutions. Therefore the submission of prosecution in that regard is unacceptable.

**ATTENDANCE REGISTER / MUSTER ROLL AND STATEMENTS OF WITNESSES :**

44. According to prosecution, these 13 teachers were ineligible to hold the post of sub-teachers. Their appointment to the school shown back dated and thereby drawn salary in arrears illegally. The muster roll of these sub-teachers maintained at the school is in the handwriting of one person since the year 2012 also with the writing by one pen and it is on one day itself from the condition of the pages of the said muster roll.

45. On that count investigating officer recorded statements of the 29 teachers from non-aided school and further four Head Masters during above tenure. The statements of these four Head Masters are also recorded before learned magistrate vide section 183 of BNSS. The copies of those statements are

placed on record. On perusal of those statements, it is evident that those 13 teachers including present applicant was not on duty as sub-teacher at the said school.

46. Learned advocate of applicant disputed this submission that only one person was appointed for writing the muster and accordingly he prepared the muster roll. Even there are signatures of present informant and other victim on the said muster roll as such it inspires truthfulness of the said muster roll.

47. On the contrary, the statement of Head Masters above named recorded before learned magistrate vide section 183 of BNSS is consistent that during their tenure as Head Master to the said school, the above named 13 teachers including present applicant was never attended the school as sub-teacher. Even he has questioned the appointment of the applicant on the respective date shown by him.

48. On perusal of the charge-sheet as well as the submission of investigating officer and learned APP, it appears that according to the prosecution the evidence against present applicant are the statements of 29 witnesses, statements of four Head Masters and Muster Roll in one handwriting appears as forged one. On that count, learned advocate of applicant submitted that the muster roll is not appended with the charge-

sheet. The prosecution replied that the muster roll are seized and kept with the police station. Thus, this court has asked the prosecution to produce the said muster roll of applicant, his service book as well as the resolutions passed by the education institute.

49. On that count learned advocate of applicant submitted that the court should not conduct a mini trial and appreciation of evidence at this stage is not permissible while dealing with bail application.

50. In response to this objection, the answer lies in the charge-sheet itself that the above muster roll and service books are seized by the investigating agency and it is mentioned in the list of seizure of documents. The said muster roll, service books as well as the resolutions of the institute are the part and parcel of the charge-sheet. While entertaining the application for bail pursuant to the charge-sheet, the court is required to go through the charge-sheet likewise the documents as part of charge-sheet. It is just like perusal of injury certificate of a injured in a bail application of accused against bodily offences.

51. Therefore, the perusal of muster roll, service book and the resolutions passed by the education institute while dealing with application for bail does not amount to appreciation

of evidence and conduct of mini trial at this stage. It is in order to verify the correctness of the submission of prosecution relating to muster roll, service book and resolutions. The number of submissions are made while hearing the application for bail and in response to these submissions, the reasoning is given in detail as such it does not amount to conducting mini trial and appreciation of evidence at this stage.

52. On the backdrop of this submission, it is evident from the statements of 29 sub-teachers and statements of Head Masters that the applicant has not been to the school as sub-teacher since the date of appointment as shown above. The Muster Roll looking to its handwriting by one person and the manner of writing establishes that the said muster roll is forged looking to the condition of the pages, it does not look like those pages were pursuant to the way back years of the appointment of the applicant.

53. The service book of the present applicant whose appointment was of the year 2012 and the condition of service book and its pages appears new one. On that count, learned advocate of applicant replied that, the service book of the sub-teacher used to prepare pursuant to the sanction. In this crime, the sanction is accorded by education department recently in the month of June 2024 as such the service book of the 13 sub-

teachers appears new one. Thus I find substance in the submission of learned advocate of applicant as to the service book only.

54. Further on perusal of the service book of this applicant, though the service book prepared recently pursuant to the sanction / approval in June 2024, the medical fitness certificate of this applicant issued by medical officer of the year 2012 appears on a new page. The condition of the said paper of fitness certificate is new one of the year 2012 appears improbable. The paper used for the medical fitness certificate of the year 2012 naturally in the year 2025 shall be fragile but instead of it, it appears new one durable paper. On the face of record, said fitness certificate appears after thought with an intention to show this appointment of the year 2012.

55. Likewise, the register of resolution on the face of record appears as subsequently prepared as per the manner of writing and the pages adjusted. All these facts demonstrates the stand of prosecution.

**RECRUITMENT TO THE POST OF SUB-TEACHERS:**

56. Pursuant to the advertisement, the interviews were scheduled by the education institute as per the case of applicant

and education institute. On perusal of the record of interviews, placed on record during course of hearing of this bail application along with other bail application in this crime, it appears for one post of sub-teacher that too of 100 % aided school hardly there are 3, 12, and 24 candidates were called.

57. Considering present scenario of non-employment, the candidates though having qualification are waiting for years together for the recruitment and its advertisement then in case any advertisement to the post of sub-teacher then possibly the applications of those aspirants are in thousands. Even to the post of peon, hundreds and thousands of applications are receiving from the Graduate, post Graduate candidates from all sectors of Arts, Commerce and Science.

58. Here in this crime, for the post of sub-teacher hardly there are some of the candidates were called and the candidate who has justly passed out on the face of interview and advertisement have got selected as teachers. This procedural aspect on behalf of education institute and the case of applicant of recruitment as sub-teachers is under cloud of suspicion and it speaks a volume about the appointment of applicant as per the date mentioned by him. The said recruitment procedure of the appointment of the teacher to the education institute appears on paper only.

**APPOINTMENT LETTERS :**

59. On perusal of the appointment letter of applicant, it appears the date of appointment letter of the applicant – Naeem Akhatar Sageer Ahmed is dated 15.12.2012 with outward No. 1/2012 issued by education institute.

60. Learned advocate of intervenor drawn attention of the court towards the date as well as outward number shown on this appointment letter and submitted that the Badi Malegaon Education Institute is a big renowned named in the vicinity and has shown outward number in the month of December as 1. There could have been number of correspondences from the said education institute. The appointment letter which has above outward number in the month of December with Serial No.1 speaks a lot about concoction of this appointment letter.

61. In the light of this submission and on perusal of the appointment letter coupled with appointment letters of other candidates from 13 ineligible sub-teachers, it substantiates the submission of prosecution in that regard.

**DELAY IN LODGING FIR :**

62. It is submission of learned advocate of applicant that, the appointment of this applicant was shown pursuant to the year 2012 whereas the report is lodged in the year 2025 as such it is delay of more than 10 years. Further even assuming from the date of approval in the month of June 2024, the FIR is lodged in the year 2025.

63. In pursuance of this submission at the outset the informant is one of the sub-teacher at the said education institute to non-aided school. She is not chosen as teacher to the aided school as such she started collecting number of documents. The said education institute is a big renowned institute in the vicinity of Malegaon. A employee working in the said institute has to fight against such a employer then she could have with all the documents. Even the collection of single document from such education institute is a daunting task to a person holding post of sub-teacher in the said institute itself.

64. She has collected documents and as per the submission of learned advocate of intervenor, she has knocked the doors of number of departments but no one has taken cognizance of her grievance. When this issue was raised in Assembly as Starred question then only the crime is booked. It is

courage shown by the informant and other victim Smt. Seema Tarranum to lodge the report. Since this report is lodged as such this incident came to broad light or else all these illegalities could get buried for further couple of years or may not be come out.

65. In the light of this, apparently there is no delay in lodging FIR. In fact the concerned departments have not taken prompt action to the grievances of informant for which she cannot be put at blame. On this count, the submission of learned advocate of applicant does not hold water.

**LOCUS-STANDI :**

66. The informant is one of the victim. She is deprived to the post of sub-teacher to the aided school though she has eligible qualifications and experience. She was not able to provide the donation claimed by the institute. She has not questioned the appointments of teachers. The prosecution is based on the allegations of ineligible candidates, illegal forwarding of proposals, illegal approval and siphoned off money in the nature of salary thus cheated to the informant and to the Government. The said money is public money. Therefore the informant as well as the victim Smt. Seema Tarranum have locus-standi to lodge the report. Their locus-standi cannot be questioned as asked by applicant.

**INVOLVEMENT OF THE APPLICANT -**

67. In the light of foregoing, the education institute is minority institution as such prior permission of advertisement as to the appointment of teachers is not required. Further, the ban on recruitment of teachers during pandemic of COVID-19 has no application to the minority institution. The updation on portal of UDISE of the name of teachers is pursuant to the year 2023 and it shall be after approval. It is on the part of education institute to update the names of teachers on UDISE. In this crime except these 13 teachers, name of rest teachers are updated to the portal.

68. Further, it is evident that the applicant No. 4 was not holding the required qualification of B.Ed on the date of his appointment. The prosecution has placed on record the statements of 29 teachers, statement of 4 Head Masters that these four applicants were not at the school as sub-teachers since the appointment shown in the approval. The muster of this applicant appears forged including the appointment letter.

69. The subsequent approval of the proposal by the education department is apparently illegal. The said appointment of this applicant is apparently illegal and this applicant is

beneficiary of the arrears of salary though not joined the school on the date of his appointment. The money credited to his salary account is withdrawn by him though he is not entitled to it. This applicant though appointed as sub-teacher at the said education institute however he has drawn the salary as a Clerk at the said institute. Further, this applicant has transferred the amount to the account of his brother accused No.5 Naveed Akhtar Sageer Ahmed immediately. This accused No.5 is king pin of the crime and he acted as agent in between education institute and education department.

70. Thus this applicant has knowledge that his appointment is illegal and he has not worked at the school as sub-teacher still he has withdrawn the salary as such these applicant is also member of the conspiracy with education institute and the education department. The public money is siphoned off. Thus the involvement of the applicant in the present crime is crystallized.

**PRE-TRIAL DETENTION OF APPLICANT AND LONG INCARCERATION :**

71. Learned advocate of applicant vehemently argued that the investigation of the crime is set at rest and charge-sheet is filed. The applicant is behind bar since more than three months. It would take considerable time to conclude the trial in

the light of number of witnesses and voluminous record, to which this applicant cannot be put behind bar as pre-trial punishment. This long incarceration of this applicant is violative of his fundamental right to personal liberty.

72. On the backdrop of this submission, it is evident that present applicant is sub-teacher in a education institute as such he has firm roots in the society. He has no criminal antecedents. This applicant has movable and immovable as such there is no chance of fleeing from justice. This applicant will available for trial. The evidence of prosecution is documentary and it is already seized by the investigating agency as such there is no chance of tampering evidence. All these tripods are crystallized by this applicant.

73. However, on the basis of these tripods whether bail can be granted in such economic offences. Where a case is made out for grant of bail the court should not have any hesitation in granting bail. Thus prime condition for grant of bail is the nature of offence and the involvement of applicant. If these parameters are made out then only tripods can be looked into. On the basis of tripods as above, the application for bail after charge-sheet in such economic offence involving huge crores of public money cannot be extended in a lighter mode. Thus the submission of learned advocate of applicant to release the applicant once

tripods are crystallized, is unacceptable.

**MAGNITUDE OF OFFENCE -**

74. The education institute and the education department are considered as sacred and pious temple of education. It holds a respect and dignity in the eyes of a common man. The right to education is a fundamental right of the citizen and this education system stands on higher footing in the society as a matter of honour and dignity. If such education system is involved in such illegalities to siphoned off the money then the people will loose faith in the system.

75. As observed above, the involvement of present applicant is made out along with education institute and education department. Therefore, this kind of offender is threat to the society and he does not deserve for any leniency to exercise powers of bail. Thus looking to the magnitude of offence, the offender cannot be shown leniency to release on bail on the ground of pre-trial detention and long incarceration.

**WHETHER APPLICANT ARE ENTITLED TO BAIL ?**

76. Needless to mention, while dealing with application for bail, court is not required to conduct a mini trial. At the same time, court is not required to be a mute spectator to observe the

foul play of education department, education institute and the beneficiaries. The applicant is one of the beneficiary. The involvement of this applicant is crystallized. The offence is involving huge amount of money drawn as arrears of salary to the tune of Rs.2,69,56,194/-. The offences under section 338 and 316(5) of BNS are punishable with imprisonment of life. The submission of learned advocate of applicant that applicant is ready to refund the money withdrawn as salary and arrears is unacceptable since by deposit of money, the offence could not get wiped out.

77. The present application for bail of the applicant is not within the clutches of the guidelines laid down for grant of bail vide Section 483 of the BNSS. Sufficient material in charge-sheet showing complicity of accused in commission of offence. Therefore, the grounds for bail are not well founded. Looking to the magnitude of offence coupled with their involvement, the applicant does not deserve for bail. Hence, I answer Point No. I in the negative. With this, I pass following order;

**ORDER**

1.	The application for regular bail vide Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 on behalf of applicant - Naeem Akhtar Sageer Ahmad is Dismissed.
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2.	A soft copy of this bail order be forwarded to the applicant/accused through Superintendent, Central Jail, Nashik road by e-mail for information in view of observation of <b>Hon'ble Apex Court in the case of In Re Policy Strategy For Grant of Bail in SMWP (CRIMINAL) NO.4/2021, Dated 31.01.2023.</b>
3.	Inform to concerned Police Station accordingly.
	Dictated and pronounced in Open Court.

**Place : Malegaon, Nashik.**

**( K.G. Paldewar )  
Additional Sessions Judge,  
Malegaon, Dist. Nashik.**

**Date : 13.03.2026.**

Arguments heard on	12 <sup>th</sup> , 21 <sup>st</sup> , 26 <sup>th</sup> , 27 <sup>th</sup> Day of February, 2 <sup>nd</sup> and 10 <sup>th</sup> Day of March, 2026.
Judgment/Order delivered on	13 <sup>th</sup> Day of March, 2026.
Dictated on	13 <sup>th</sup> Day of March, 2026.
Transcribed on	13 <sup>th</sup> Day of March, 2026.
Checked and signed on	13 <sup>th</sup> Day of March, 2026.

**CERTIFICATE**

I affirm that the contents of this PDF file Judgment/Order is same and as per the original Judgment/Order.

Name of the Stenographer : N.D. Patil,  
Name of the Court : Additional Sessions Court,  
Malegaon  
Date of Judgment/Order : 13.03.2026.  
Judgment/Order signed on : 13.03.2026.  
Presiding Officer : K.G. Paldewar  
Judgment/Order uploaded on : 13.03.2026.