

MHNS070002842026



**ORDER BELOW EXHIBIT NO.1**  
**IN CRIMINAL BAIL APPLICATION NO.128/2026**  
**PAWARWADI POLICE STATION C.R. NO.181/2025**  
**IMTIYAZ AHMED RIYAZ AHMED AND OTHERS Vs. STATE OF**  
**MAHARASHTRA.**  
**( PASSED ON 13<sup>th</sup> DAY OF MARCH, 2026 )**

This application is on behalf of the applicants No.1 – Imtiyaz Ahmed Riyaz Ahmed, applicant No.2 – Shaikh Aarif Ibrahim, applicant No.3 - Aafaque Anjum Ashfaque Ahmad and applicant No. 4 – Faheem Ahmad Iqbal Ahmad vide Section 483 of the Bhartiya Nagrik Surksha Sanhita, 2023 (BNSS) to enlarge them 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 ;

SR. NO.	POINTS	FINDINGS
I.	Whether grounds are justified to release the applicants/accused on bail vide Section 483 of the BNSS ?	No.
II.	What Order ?	The Application is Dismissed.

### **REASONS**

4. Perused application, say filed. Heard learned advocate for the applicants Shri. Momin Musadique Ahmad. Heard learned A.P.P Shri. M.S. Fulpagare and Shri. S.M. Damodhar for State. Heard Investigating officer and learned advocate of intervenor Shri. T.R. Band.

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

### **BRIEF FACTS OF 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 applicants are 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 onwards. 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. Lateron name of present applicants are 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 applicants No.1 to 4 were arrested on 01.09.2025 and produced before the Court. They were remanded to police custody till 04.09.2025. Then they are remanded to judicial custody. The applicants/accused are 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 applicants.

**MAINTAINABILITY OF SUCCESSIVE BAIL APPLICATION :-**

11. These applicants No. 1, 3 and 4 have earlier filed application for regular bail vide Criminal Bail Application No. 999/2025. The said bail application is dismissed by elaborate order by this court vide order dated 17.11.2025. The application for bail of applicant No.2 vide Criminal Bail Application No.998/2025 for regular bail is dismissed by this court as per order dated 17.11.2025.

12. Pursuant to that, the charge-sheet is filed before learned magistrate. These applicants No.1 to 4 have moved application for regular bail before learned magistrate after charge-sheet and the said application for bail is dismissed by learned magistrate as per order dated 21.1.2026.

13. Now present application for regular bail on behalf of applicants No.1 to 4 is successive application after charge-sheet. The earlier applications for bail were before charge-sheet. The investigation of the crime is over and charge-sheet is filed as such it amounts to change in circumstance. Therefore, the

present application for bail though successive however filed in change in circumstance hence this application for bail is maintainable.

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

14. 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.

15. 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.

16. 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.

17. Present applicants No.1 to 4 are sub-teachers at the said school of the Education Institute – Badi Malegaon. These applicants are ineligible to the post of sub-teachers. The education institute along with these applicants have plotted conspiracy to show their appointments 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 applicants.

**PROPOSAL SENT BY EDUCATION INSTITUTE -**

18. 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 (Accused No.6)
- ii) Aalia Mohammad Mustafa (Accused No.14)
- iii) Imtiyaz Ahmad Riyaz Ahmad (Applicant No.1/Accused No.7)
- iv) Sana Kausar Ashfaque Ahmad (Accused No.15 )
- v) Shaikh Arif Mohammad Ibrahim (Applicant No.2/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 (Applicant No.3/accused No.8)
- xii) Faheem Ahmad Iqbal Ahmad (Applicant No.4/accused No.9)
- xiii) Ansari Mariya Sadaf Masood Ahmad (Accused No.21)

19. 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 -**

20. 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 Akhtar Sameer Ahmad (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 -(Applicant No.1/Accused  
No.7) – Rs.50,83,064/-
- iv) Sana Kausar Ashfaque Ahmad – (Accused No.15)  
Rs.14,96,517/-
- v) Shaikh Arif Mohammad Ibrahim (Applicant No.2/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 (Applicant No.3/accused  
No.8) – Rs. 3,73,932/-
  - xii) Faheem Ahmad Iqbal Ahmad (Applicant No.4/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/-.

21. 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 APPLICANTS NO. 1 TO 4 :**

22. According to the case of prosecution, these applicants were shown illegally appointed as sub-teachers in back dated since the year 2012 onward and got proposal sanction in the

month of June 2024. Thus these applicants as beneficiaries have siphoned off the amount of salary as well as arrears.

23. According to applicants, they are duly appointed as per the qualifications holding by them on the respective date of appointment mentioned as under;

<b>Sr. No.</b>	<b>Name</b>	<b>Date of Appointment</b>
1.	Imtiyaz Ahmed Riyaz Ahmed	16.06.2014
2.	Aafaque Anjum Ashfaque Ahmad	02.09.2021
3.	Shaikh Arif Ibrahim	02.08.2019
4.	Faheem Ahmad Iqbal Ahmad	17.06.2022

24. Further, it is vehemently argued on behalf of learned advocate of applicants that these applicants received outstanding salaries only from the date of their respective appointments and only for the period they have worked.

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

26. **Applicant No.1 – Imtiyaz Ahmad Riyaz Ahmed**

- a) Date of Birth – 19.03.1985, aged 29 years at the time of appointment.
- b) The required Qualification as per the advertisement – B.Sc. B. Ed
- c) His Educational Qualification – B.Sc B.Ed.
- d) The date on which he got his Qualification of B. Ed.- June 2011
- e) Date of Advertisement – 19.05.2014
- f) Date of Interview – 05.06.2014
- g) Date of Appointment – 16.06.2014

In the light of this information provided, it is evident that even as per the case of applicants, the applicant No.1 was holding the required qualification of B. Ed. to the post of sub-teacher on the date of advertisement, on the date of interview and on the date of his appointment.

27. **Applicant No.2 – Shaikh Aarif Ibrahim**

- a) Date of Birth – 20.03.1988, aged 31 years on the date of appointment.
- b) The required Qualification as per the advertisement – B.A. B. Ed Urdu
- c) His Educational Qualification – B.A. B.Ed.

- d) The date on which he got his Qualification of B. Ed.-  
14.6.2018
- e) Date of Advertisement – 13.07.2019
- f) Date of Interview – 22.07.2019
- g) Date of Appointment – 02.08.2019

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

**28. Applicant No.3 - Aafaque Anjum Ahfaque Ahmad**

- a) Date of Birth – 8.3.1993, aged 28 years on the date of appointment.
- b) The required Qualification as per the advertisement –  
B.Sc. B. Ed. English
- c) His Educational Qualification – B.Sc B.Ed.
- d) The date on which he got his Qualification of B. Ed.-  
13.07.2019
- e) Date of Advertisement – 19.01.2021
- f) Date of Interview – 27.8.2021
- g) Date of Appointment – 02.09.2021

In the light of this information provided, it is evident even as per the case of applicants that the applicant No.3 was holding the required qualification of B. Ed. to the post of sub-teacher on the date of advertisement, on the date of interview and on the date of his appointment.

29. **Applicant No.4 – Faheem Ahmad Iqbal Ahmad**

- a) Date of Birth – 20.09.1993, aged 29 years on the date of appointment
- b) The required Qualification as per the advertisement – B.Sc. B. Ed Science, Math
- c) His Educational Qualification – B.Sc. B.Ed.
- d) The date on which he got his Qualification of B. Ed.- 14.09.2022
- e) Date of Interview – 06.06.2022
- f) Date of Appointment – 17.06.2022

In the light of this information provided, it is evident even as per the case of applicants that the applicant No.4 was not holding the required qualification of B. Ed. to the post of sub-teacher on the date of advertisement, on the date of interview and on the date of his appointment.

30. Further learned advocate of applicants vehemently argued that the applicants No.1 to 3 were holding the required

qualification on the date of their appointment. The applicant No.4 was not holding his required qualification to the post of sub-teacher on the date of appointment.

31. 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 applicants were appointed. It is the case of applicants that they were appointed on those respective date as mentioned above in tabular format. On that count, considering the case of applicants the above information is extracted. Even considering the information as per the case of applicants, the applicant No. 4 is not holding the required qualification of B.Ed on the date of appointment. The applicant No.4 was not eligible to the post of sub-teacher on the date of his appointment.

32. The applicant No.1 is qualified B.Ed on June 2011 and he got his appointment on 16.6.2014. The applicant No.2 is qualified B.Ed on 14.6.2018 and he got his appointment on 2.8.2019. The applicant No.3 is qualified B.Ed on 13.07.2019 and he got his appointment on 2.9.2021. Applicant No.4 is qualified B.Ed on 14.9.2022 and he got his appointment on 17.6.2022.

33. 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. The applicant No.4 is not qualified to the appointment of sub-teacher on the date of appointment.

34. Now switching towards the involvement of applicants No.2 and 3, it appears that present applicant No.2 was working as a teacher in other school by name – Crescent Urdu High School Malegaon during the period 1.7.2019 to 31.3.2020, despite he has chosen as to his appointment as sub-teacher to the education institute - the Malegaon High School and Junior College for the period 2.8.2019 to 1.8.2022.

35. In reply, learned advocate of applicant submitted that, the applicant was working at Crescent Urdu High School as honorary teacher. The simultaneous job was honorary. Therefore this applicant cannot said to be in job at two places at once.

36. The applicant No.3 was in job in a education institute by named – Anjuman Talim E Jamhur at Jamhur High School, Malegaon. He was in a employment as a teacher over there during the period 2.9.2021 to 1.9.2024.

37. Learned advocate of applicant submitted that, this applicant No.3 tendered his resignation on 30.8.2021 and his appointment is dated 2.9.2021. On next day i.e. on 31.8.2021 his resignation is accepted. The earlier school where he was working as sub-teacher was non-aided as such he quit the job and joined the subsequent education institute.

38. In reply, learned advocate of intervener submitted that the date of interview of this applicant No.3 was on 27.8.2021 and his appointment was on 2.9.2021. He tendered resignation letter date 30.8.2021. At the time of interview, he was in job with his first employer.

39. In the light of this rival submission, on perusal of the resignation it appears that he has not tendered the resignation by giving one month notice. He immediately tendered resignation and on very next day accepted and then he was appointed. All these facts travel within couple of days. It creates a cloud of suspicion as to the manner of resignation and appointment letter issued.

40. Further the applicants in the light of their 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 their appointment in subsequent education institute.

**PRIOR PERMISSION OF ADVERTISEMENT FOR APPOINTMENT:**

41. It is not in dispute that the education institute – Badi Malegaon is a minority education Institution. On that count, learned advocate of applicants 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.

42. 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 :**

43. 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 applicants submitted that it is minority institution and TET requirement has no application for the appointment of sub-teachers to the minority institution.

44. 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.

45. 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 applicants on the date of their approval by education department retrospectively.

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

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

47. 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.

48. In response to this objection, it is submission on behalf of applicants 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 applicants name to be reflected to the UDISE system. The absence of entries of the applicants at that point of time on UDISE portal cannot be effected adversely against the applicants.

49. 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

update to the portal shall be carried by the education institute before disbursement of salary.

50. Thus it is on the part of education institute to incorporate name of teachers to UDISE to which sub-teachers/applicants 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:**

51. 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 applicants submitted that this ban of appointment of the teachers during pandemic of COVID-19 has no application to the minority institutions.

52. 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 :**

53. 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.

54. 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 with the charge-sheet. On perusal of those statements, it is evident that those 13 teachers including present applicants were not on duty as sub-teachers at the said school.

55. Learned advocate of applicants 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.

56. 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 applicants were never attended the school as sub-teachers. Even they have questioned the appointment of the applicants on the respective date shown by them.

57. 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 applicants are the statements of 29 witnesses, statements of four Head Masters and Muster Roll in one handwriting. On that count, this court has asked the prosecution to produce the said muster roll of applicants, their service books as well as the resolutions passed by the education institute.

58. On that count learned advocate of applicants submitted that the court shall not conduct a mini trial and appreciation of evidence at this stage is not permissible while

dealing with bail application.

59. 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.

60. 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. The number of submissions are made while hearing the applications 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.

61. On the backdrop of this submission, it is evident from the statements of 29 sub-teachers and statements of Head

Masters that the applicants have not been to the school as sub-teachers 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 applicants.

62. The service book of the present applicants 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 applicants 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 applicants as to the new service book only.

63. Further on perusal of the service book of these applicants, though the service book prepared recently pursuant to the sanction in June 2024, the medical fitness certificate of these applicants 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 back dated in the year 2012 whereas

in other service books, the date is not mentioned to the medical certificate.

64. 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.

65. 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:**

66. Pursuant to the advertisement, the interviews were scheduled by the education institute as per the case of applicants and education institute. On perusal of the record of interviews, it appears for one post of sub-teacher that too of 100 % aided school hardly there are 3, 12, and 24 candidates were called.

67. 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.

68. 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 applicants of recruitment as sub-teachers is under cloud of suspicion and it speaks a volume about the appointment of applicants as per the date mentioned by them. The said recruitment procedure of the appointment of these teachers to the education institute appears on paper only.

**APPOINTMENT LETTERS :**

69. On perusal of the appointment letters of applicants No.1 to 4, it appears the date of appointment letter of the applicant No.1 Imtiyaz Ahmed Riyaz Ahmed is dated 16.6.2014 with outward No. 2/2014 issued by education institute. The appointment letter of the applicant No.2 Shaikh Arif Ibrahim is dated 2.8.2019 with outward No. 2/2019 issued by education

institute. The appointment letter of applicant No.3 – Aafaque Anjum Ashfaque Ahmad is dated 2.9.2021 with outward No. 4/2021. The appointment letter of applicant No.4 – Faheem Ahmad Iqbal Ahmad is dated 17.6.2022 with outward No. 4/2022.

70. Learned advocate of intervenor drawn attention of the court towards the date as well as outward number shown on those appointment letters and submitted that the Badi Malegaon Education Institute is a big renowned named in the vicinity and has shown outward numbers in the month of June and September as 2 and 4. There could have been number of correspondences from the said education institute. The appointments letters which have above outward numbers speaks a lot about concoction of those appointment letters.

71. In the light of this submission and on perusal of the appointments 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 :**

72. It is submission of learned advocate of applicants that, the appointment of these applicants were shown pursuant to the year 2014 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.

73. 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.

74. 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.

75. 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 applicants does not hold water.

**LOCUS-STANDI :**

76. 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 applicants.

**INVOLVEMENT OF THESE APPLICANTS -**

77. 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.

78. 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 these applicants appears forged including the appointment letters.

79. The subsequent approval of the proposal by the education department is apparently illegal. The said appointment of these applicants is apparently illegal and these applicants are beneficiaries of the arrears of salary though not joined the school on the date of their appointment. The money credited to their salary account is withdrawn by them though they are not entitled to it. Thus these applicants have knowledge that their

appointment are illegal and they have not worked at the school as sub-teachers still they have withdrawn the salary as such these applicants are also members of the conspiracy with education institute and the education department. The public money is siphoned off. Thus the involvement of these applicants in the present crime is crystallized.

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

80. Learned advocate of applicants vehemently argued that the investigation of the crime is set at rest and charge-sheet is filed. The applicants are 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 these applicants cannot be put behind bar as pre-trial punishment. This long incarceration of these applicants is violative of their fundamental right to personal liberty.

81. He further argued that assuming the material available on record in the form of charge-sheet of the statements of witnesses, muster roll and the medical fitness certificate appended to the service book despite once the tripod is established by these applicants like as they have firm roots in the society, there is no chance of fleeing from justice and there is no likelihood of tampering evidence of prosecution then in that

eventuality the bail of these applicants cannot be denied.

82. To buttress his submission, he relied on the observation of Hon'ble Apex Court in the case of **Ashok Sagar Vs State (NCT of Delhi) 2018 SCC OnLine Del 9548**, wherein it is observed the legal position as to the bail and the jurisprudence relating thereto. The principles governing exercise of judicial discretion in such cases appear however to be well settled. The following principles mentioned para No.35 at Sr. No. I to VII are mentioned.

83. However, Hon'ble Apex Court while deciding application for bail of those applicant keeping in mind the above legal position allowed application for bail of some of the accused and rejected bail application for rest accused on the ground of involvement of each of the accused in the crime.

84. He further relied on the observation of Hon'ble High Court of Jammu and Kashmir and Ladakh at Shrinagar in the case of **Nagraj V Vs Vs UT of J & K, Bail App No.52/2025 dated 26.11.2025**.

85. Learned advocate of applicants further relied on the observation of Hon'ble Calcutta High Court in the case of **Dr. Subires Bhattacharya @ Subiresh Bhattacharya Vs The Central**

**Bureau of Investigation, CRM (DB) 173 of 2024 (Under RC-03A/2022) dated 20.11.2024**, wherein observations of Hon'ble Apex Court are cited. It is observed from very early times, it has been held by the Courts that the object of bail is neither punitive nor preventive. The object is to secure the appearance of the accused person at his trial. The deprivation of liberty must be considered to be a punishment unless the same is required to ensure that an accused person will attend his trial. Every person is presumed to be innocent until proved guilty following due process of law.

One can not punish an accused person before he is convicted. Unless it is found by the courts that an accused person is unlike to attend his trial if set at large, bail should not be denied to a person who is in judicial custody. Bail has always been and still is the rule. Jail has been and still is the exception.

86. Further it is observed where a case is made out for grant of bail, the court should not have any hesitation in granting bail. The allegations of the prosecution may be very serious. But the duty of the court is to consider the case for grant of bail in accordance with the law. The rule also means that once a case is made out for the grant of bail, the court cannot decline to grant bail. If the courts start denying bail in deserving cases, it will be a violation of the rights guaranteed under Article 21 of the Constitution.

87. On the backdrop of this submission relied upon supra cited observations, it is evident that present applicants are sub-teachers in a education institute as such they have firm roots in the society. They have no criminal antecedents. These applicants have movable and immovable as such there is no chance of fleeing from justice. These applicants 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 these applicants.

88. However, on the basis of these crystallized tripods whether bail can be granted in such economic offences. The answer lies in the observation cited by learned advocate of applicants that 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 after charge-sheet is the nature of offence and the involvement of applicants. 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 applicants is unacceptable to release applicants on bail only on the ground of tripods made out.

**MAGNITUDE OF OFFENCE -**

89. 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.

90. As observed above, the involvement of present applicants is made out along with education institute and education department. Therefore, these kind of offenders are threat to the society and they do not deserve for any leniency to exercise powers of bail. Thus, the submission of learned advocate of applicants that long incarceration of the applicants behind bar and pre-trial punishment is violative of their fundamental right is not well founded on the ground of magnitude of offence.

**WHETHER APPLICANTS ARE ENTITLED TO BAIL ?**

91. 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 involvement of these applicants 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.

92. The present application for bail of the applicants is not within the clutches of the guidelines laid down for grant of bail vide Section 483 of the BNSS. Sufficient material in the charge-sheet showing complicity of accused in commission of offence. The grounds for bail are not well founded. Looking to the magnitude of offence coupled with their involvement, the applicants do 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 Bhartiya Nagrik Surksha Sanhita, 2023 on behalf of the applicant No.1 – Imtiyaz Ahmed Riyaz Ahmed, applicant No.2 – Shaikh Aarif Ibrahim, applicant No.3 – Aafaque Anjum Ashfaque Ahmad and applicant No. 4 – Faheem Ahmad Iqbal 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.