

MHNS070003002026



**ORDER BELOW EXHIBIT NO.1**  
**IN CRIMINAL BAIL APPLICATION NO.131/2026**  
**PAWARWADI POLICE STATION C.R. NO.181/2025**  
**SUDHIR BHASKAR PAGAR Vs. STATE OF MAHARASHTRA.**  
**( PASSED ON 13<sup>th</sup> DAY OF MARCH, 2026 )**

This application is on behalf of the applicant – Sudhir Bhaskar Pagar 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.05.

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 ? | Yes.                        |
| II.     | What Order ?   | The Application is allowed. |

## **REASONS**

4. Perused application, say filed. Heard learned advocate for the applicant Shri. Shishir Hiray. Heard learned A.P.P Shri. M.S. Fulpagare and Shri. S.M. Damodhar for State. Heard Investigating officer. Heard 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-granted 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 have filled those vacant post from other candidates by accepting huge amount of donation.

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.

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 09.09.2025 and produced before the Court. He was remanded to police custody till 13.09.2025. Then he is remanded to judicial custody. The applicant/accused 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 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. 902/2025. The said bail application is dismissed by elaborate order by this court vide order dated 16.10.2025.

12. Pursuant to that, the charge-sheet is filed before learned magistrate. Then the applicant 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 applicant is successive application after charge-sheet. The earlier application for bail was 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

illegal proposal of the ineligible candidates as sub-teachers by the education institute for sanction by the education department. The education department evaded the directives of the government vide circulars in respect of appointment of sub-teachers. The education department without verifying the proposal forwarded by eligible candidates in respect of sanction and accorded leave thereby 13 sub-teachers who were ineligible to the said post of sub-teachers have shown as sub-teachers since the year 2012 onward at the school of education institute. The said education institute in connivance with the education department and those 13 teachers have siphoned off the salary with arrears. These beneficiaries were aware of their ineligibility to the post of sub-teachers still they have chosen to withdraw the amount from their bank accounts. Some of the amount from their bank account routed to the bank account of other accused.

15. The informant is one of the victim. She was eligible for the candidature to the post sub-teacher having 100 % salary grant however she was deprived. Thus she has raised concerned against the education institute and collected the documents of those 13 ineligible sub-teachers. She made correspondence to various authorities including education department and lastly the police has stepped into action. Further 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 broad light.

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.

17. The applicant was the Office Superintendent. The applicant No.2 was Office Superintendent at Nashik Office during period for 6.8.2020 to 20.6.2025.

**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 (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)

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 Akhatar 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 -(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/-.

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.

**PRIOR PERMISSION OF ADVERTISEMENT FOR APPOINTMENT:**

22. 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.

23. 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 :**

24. 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.

25. 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.

26. 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 sub-teachers on the date of their approval by education department retrospectively.

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

**REQUIREMENT OF UPDATION OF NAME OF 13 SUB-TEACHERS TO UDISE:**

28. 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.

29. 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 sub-teachers name to be reflected to the UDISE system. The absence of entries of the sub-teachers at that point of time on UDISE portal cannot be effected adversely against the applicant.

30. 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.

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

32. 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.

33. 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.

**HOLDING QUALIFICATIONS BY 13 INELIGIBLE SUB-TEACHERS:**

34. According to the case of prosecution, these 13 sub-teachers 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 sub-teachers as beneficiaries have siphoned off the amount of salary as well as arrears.

35. According to those 13 sub-teachers, they are duly appointed as per the qualifications holding by them on the respective date of appointment mentioned as under;

| Sr. No. | Name                      | Date of Appointment |
|---------|---------------------------|---------------------|
| i)      | Imtiyaz Ahmed Riyaz Ahmed | 16.06.2014          |

|       |   |            |
|-------|---|------------|
| ii)   | Aafaque Anjum Ashfaque Ahmad                        | 02.09.2021 |
| iii)  | Shaikh Arif Ibrahim                                 | 02.08.2019 |
| iv)   | Faheem Ahmad Iqbal Ahmad                            | 17.06.2022 |
| v)    | Naeem Akhatar Sageer Ahmed                          | 15.12.2012 |
| vi)   | Shaikh Sariya Athar Hussain @ Sariya Mohammad Tahir | 16.06.2014 |
| vii)  | Sana Kauser Ashfaque Ahmed                          | 02.08.2019 |
| viii) | Tasneem Firdaus Mohammad Arif                       | 23.08.2021 |
| ix)   | Saumaiyya Sadaf Mohammad Hanif                      | 16.09.2023 |
| x)    | Aalia Mohammad Mustafa                              | 16.06.2014 |
| xi)   | Ansari Shumaila Dr. Shakeel Ahmad                   | 03.08.2020 |
| xii)  | Ansari Mariya Sadaf Masood Ahmed                    | 02.08.2019 |
| xiii) | Afeefa Afrin Mohammad Amin                          | 23.08.2021 |

36. According to the case of sub-teachers, the following information is extracted as to the holding of educational qualification by them against the date of publication of advertisement, date of interview and date of their appointments. It is mentioned as under;

- i) **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 this sub-teacher 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.

**ii) 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 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.

**iii) 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 that 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.

**iv) 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 that he 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.

**v) 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

he 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.

**vi) Sana Kausar Ashfaque Ahmad**

- a) Date of Birth – 25.11.1994, aged 26 years
- b) The required Qualification as per the advertisement – B.A. B. Ed English
- c) Her Educational Qualification – B.Sc B.Ed.
- d) The date on which she got her Qualification of B. Ed.- 15.7.2019
- e) Date of Advertisement – 13.07.2019
- f) Date of Interview – 23.07.2019
- g) Date of Appointment – 02.08.2019

In the light of this information provided, it is evident that she was not holding the required qualification of B. Ed. to the post of sub-teacher on the date of advertisement. She holds required qualification of B. Ed. on the date of interview and on the date of her appointment.

**vii) Shaikh Sariya Athar Husain @ Sariya Mohammad Tahir**

- a) Date of Birth – 23.11.1990, aged 23 years
- b) The required Qualification as per the advertisement – B.Sc. B. Ed.

- c) Her Educational Qualification – B.Sc B.Ed.
- d) The date on which she got her Qualification of B. Ed.-  
5.6.2014
- e) Date of Advertisement – 19.05.2014
- f) Date of Interview – 5.6.2014
- g) Date of Appointment – 16.06.2014

In the light of this information provided, it is evident that she was not holding the required qualification of B. Ed. to the post of sub-teacher on the date of advertisement. She got required qualification of B. Ed. on the same date of interview however she was holding the required qualification of B.Ed. on the date of her appointment.

**viii) Tasneem Firdous Mohammad Arif**

- a) Date of Birth – 19.8.1998, aged 23 years
- b) The required Qualification as per the advertisement –  
B.Sc. B. Ed
- c) Her Educational Qualification – B.Sc B.Ed.
- d) The date on which she got her Qualification of B. Ed.-  
13.8.2021
- e) Date of Advertisement – 27.07.2021
- f) Date of Interview – 07.08.2021
- g) Date of Appointment – 23.08.2021

In the light of this information provided, it is evident that she was not holding the required qualification of B. Ed. to the post of sub-teacher on the date of advertisement. Also she was not holding the required qualification of B. Ed. on the date of interview however she was holding it on the date of her appointment.

**ix) Summaiya Sadaf Mohammad Hanif -**

- a) Date of Birth – 16.10.1999, aged 24 years
- b) The required Qualification as per the advertisement – B.PEd.
- c) Her Educational Qualification – B.PEd (first year)
- d) The date on which she got her Qualification of B.PEd.- first year December 2022
- e) Date of Advertisement – 01.08.2023
- f) Date of Interview – 12.08.2023
- g) Date of Appointment – 16.09.2023

In the light of this information provided, it is evident that she was not holding the required qualification of B.PEd. to the post of sub-teacher on the date of advertisement, on the date of interview and on the date of her appointment.

**x) Aalia Mohammad Mustafa**

- a) Date of Birth – 20.9.1993, aged 29 years at the time of appointment.

- b) The required Qualification as per the advertisement – B.Sc. B. Ed
- c) Her Educational Qualification – B.Sc B.Ed.
- d) The date on which she got her Qualification of B. Ed.- 30.5.2013
- 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 she 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 her appointment.

**xi) Ansari Shumaila Dr. Shakeel Ahmad**

- a) Date of Birth – 27.6.1997, aged 23 years on the date of appointment.
- b) The required Qualification as per the advertisement – B.Sc. B. Ed.
- c) Her Educational Qualification – B.Sc B.Ed.
- d) The date on which she got her Qualification of B. Ed.- 24.11.2020
- e) Date of Advertisement – 10.07.2020
- f) Date of Interview – 25.7.2020
- g) Date of Appointment – 03.08.2020

In the light of this information provided, it is evident that she 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 her appointment.

**xii) Ansari Mariya Sadaf Masood Ahmad**

- a) Date of Birth – 01.12.1999, aged 20 years on the date of appointment
- b) The required Qualification as per the advertisement – B.Sc. B. Ed Math
- c) Her Educational Qualification – D.Ed.
- d) The date on which she got her Qualification of D. Ed.- 28.8.2019
- 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 she 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 her appointment. She does not have required qualification of B.Sc B.Ed Math as on date. Her educational qualification is only D.Ed.

**xiii) Afeefa Aafreen Mohammad Amin-**

- a) Date of Birth – 06.01.1998, aged 24 years on the date of appointment.
- b) The required Qualification as per the advertisement – B.Sc B.Ed.
- c) Her Educational Qualification – B. Sc B.Ed
- d) The date on which she got her Qualification of B.Ed – 13.08.2021
- e) Date of Interview – 07.08.2021
- f) Date of Appointment – 23.08.2021

In the light of this information provided, it is evident that she 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. She was holding the required qualification on the date of her appointment.

37. Further, the sub-teacher namely - Shaikh Arif Shaikh Ibrahim 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.

38. The sub-teacher namely - Aafaque Anjum Ashfaque

Ahmed 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.

39. The sub-teacher namely – Naeem Akhatar Sageer Ahmed was shown as working sub- teacher at the Institution Badi Malegaon and 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, he was failed in B.Ed however according to him, as per the Mark-sheet placed on record he passed both the year of B.Ed during the year 2018-2019 and 2019-2020.

40. In the light of proposals sent by Education Institute Badi Malegaon to the Education Department of the 13 teachers wherein their appointments were shown as above mentioned in tabular format against the date and those 13 teachers were holding the educational qualification at the time of appointment shown then in that eventuality, the proposals of these 13 sub-teachers ought to have been appended with the required qualification. The said documents could have been scrutinized by the officer who is signatory to the order of sanction.

41. These 13 proposals when forwarded by the institute

to the education department then at least their educational qualifications ought to have been on the date of appointment. Out of 13 sub-teachers, only 6 sub-teachers were holding the required qualifications on the date of appointment. The rest 7 sub-teachers were holding required qualification either on the date of publication, on the date of interview and on the date of appointment. The holding of required qualification on the date of appointment ought to have been looked into.

42. However, the sub-teacher namely – Faheem Ahmed Iqbal Ahmed has completed his educational qualification on 14.9.2022 whereas his appointment was on 17.6.2022. The sub-teacher namely – Summaiya Sadaf Mohammad Hanif has completed only first year of B.PEd and she has not passed the second year of B.PEd despite she was appointed on 16.9.2023. The sub-teacher namely – Ansari Shumaila Shakil Ahmed has completed her B.Ed education on 24.11.2020 and she got appointment on 3.8.2020. Likewise the sub-teacher Ansari Mariya Masood Ahmed has got her D.Ed qualification on 28.8.2019 and her appointment was on 2.8.2019.

43. Thus, these above four sub-teachers were not holding the required qualification on the date of appointment shown in the proposal and this fact is apparent on face of record, despite the sanction of proposal is processed by the education Officer.

**INVOLVEMENT OF THE APPLICANT -**

44. According to learned advocate of applicant, the job of this office Superintendent is to fill up Form No. B appended with the proposals after filling Form No. A by the Senior Clerk. Thus this applicant has simply filled Form No. B and then proposals were forwarded to the Deputy Education Officer and at that time accused Uday Deore was the Deputy Education Officer. After filling Form No. C, the proposals were to the office of Education Officer and he has accorded sanction.

45. The education department has to put the check and balances on the education institute while forwarding such proposals. The education department is the check post to scrutinize the proposal send by education institute. The officials and staff of the education department cannot act as a mute spectators.

46. The office of education institute – Badi Malegaon from the office of Head Master forwarded those 13 proposals of the sub-teachers with Outward Number dated 24.6.2024. When proposals of sanction are forwarded to the office of education department, initially it is received to the section of Inward - Outward of the office. The said 13 proposals were received to the

office of education department at Nashik on the same day with Inward Number dated 24.6.2024. After Inward of those proposals then it was made over to Senior Clerk of the office. The said 13 proposals were received to the table of senior Clerk Smt. Manisha Thorat on 29.6.2024. This Senior Clerk has filled up the enclosures appended to the proposals called as Form -A. Then she has filled up Form- A of those 13 proposals along with office note.

47. This Senior Clerk after filling Form – A of proposals and forwarded to office Superintendent. At that time, present applicant/accused was the office Superintendent. This office Superintendent has filled up Form – B of those 13 proposals and then along with office note, he has forwarded to Deputy Education Officer. There is no mentioned of the date when those 13 proposals were received to the office Superintendent and the date when he forwarded to Deputy Education Officer.

48. At that time, accused Uday Deore was the Deputy Education Officer. He has been filled up the Form - C of the said 13 proposals on 5.7.2024 and then along with his office note, he has forwarded the said 13 proposals to the Education Officer i.e. accused Pravin Patil on the same day i.e. 5.7.2024. The accused Pravin Patil has accorded sanction on 5.7.2024 itself to these 13 proposals.

49. The statement of senior Clerk Smt. Manisha Thorat is recorded by the investigating officer. According to her, she has not written office note on the said proposals however the said proposals have office notes along with her signatures. Further this senior clerk has filled Form – A , this applicant has filled Form – B and accused Uday Deore has filled Form – C and then the proposals were put up before accused Pravin Patil for sanction.

50. The investigating officer has not impleaded Smt. Manisha Thorat Senior Clerk as accused in the crime. Further the accused Uday Deore is released on bail by the learned magistrate. On perusal of the charge-sheet, on the enclosures and details of the accused, it appears that one four wheeler is seized from this accused Uday Deore on the ground that this vehicle was purchased in his name from the showroom of the company to which money was parted to the tune of Rs.15,00,000/- from the account of wife of accused No.4 – Nasir Hussain, Clerk of the education institute.

51. Even if the senior clerk, office Superintendent and Deputy Education Officer have filled up Form – A, B and C of the proposals then also the sanction cannot be accorded by these above officials. Even by filling above Forms, the name of sub-

teachers cannot be updated in Shalarth ID. There cannot be disbursement of salary and arrears to those 13 sub-teachers unless the education officer accorded sanction. Therefore, the post of office Superintendent is limited to the extent of filling Form No. B to the said proposals.

52. Therefore the involvement of this applicant is to the extent of filling Form No. B to the said proposals and forwarded it to the Deputy Education Officer. This applicant has appended office note to the said proposals as such the office note are with the said proposals.

53. Besides this, the involvement of this applicant as per case of prosecution relating to phone calls in between him and principal offender – accused No.5 Naveed Akhatar. On perusal of the CDR there are in all 77 phone calls in between them during the concerned period. The duration of the phone calls is also mentioned. By virtue of these phone calls, it is apparent that this applicant has nexus with the principal offender who acted as agent for education institute with the education department. Howsoever there is no evidence as to the money transaction to the account of this applicant like as with the accused – Uday Deore, Deputy Education Officer.

54. Further the law relating to admissibility of CDR of

phone calls is set at rest and the said electronic evidence could be decided during course of trial as to its admissibility. At this juncture while deciding bail application only inference can be drawn as to their communication. The applicant replied to the said communication of 77 calls that the accused No.5 Naveed Akhatar was a post holder of Teachers Association and in the light of directions of the government to validate Aadhar update of the teachers as such the said communication was with him.

55. In the light of foregoing, beside 77 calls of this applicant with accused No.5, this applicant has role to the extent of filling of Form No.B.

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

56. 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.

57. On the backdrop of this submission, it is evident that

present applicant was office Superintendent as such he has firm roots in the society. He has no criminal antecedents. He has movable and immovables as such there is no chance of fleeing from justice. He will be 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 the applicant.

58. However, on the basis of these crystallized 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 in such economic offence involving huge crores of public money cannot be extended in a lighter mode.

#### **MAGNITUDE OF OFFENCE -**

59. 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. These kind of offenders are threat to the society.

**RULE OF PARITY -**

60. Learned advocate of applicant submitted that the learned magistrate has released on bail to one of the accused namely Uday Deore, who was Deputy Education Officer. Thus by rule of parity present applicant also the office bearer of the Education Department shall be released on bail. In reply, learned advocate of intervenor submitted that the said accused was Deputy Education Officer for a duration of only 5 days. He was incharge of the said post of Deputy Education Officer. On that count only, the accused / Deputy Education Officer released on bail by learned magistrate.

61. In the light of this rival submission apparently in order to apply the rule of parity to extend the accused on bail then in that eventuality the involvement of the accused who released on bail must be akin to the involvement of the accused seeking bail.

62. Based on this legal position, here in this crime,

present applicant was a office Superintendent who has filled up Form No. B and then forwarded the proposals to the accused – Uday Deore. The said accused Uday Deore has filled up Form No. -C and then forwarded the proposals to accused – Pravin Patil, Education Officer for sanction. Thus, the involvement of present applicant to fill up Form No. B and the involvement of accused – Uday Deore to fill up Form No. C. Therefore, the involvement of present applicant and the accused -Uday Deore stands on the same footing to the extent of filling Form of proposals.

63. Beside filling form, there is no other evidence against this applicant except data of phone calls by virtue of CDR. The accused – Uday Deore has monitory transaction by the said education institute to his account for purchase of four wheeler. Then the involvement of accused – Uday Deore is on higher footing compared to the involvement of this applicant. After grant of bail to accused – Uday Deore by learned magistrate, the prosecution i.e. investigating officer and intervener have not chosen to question his release on bail before higher Court.

64. On the backdrop of this factual position, the rule of parity to the present applicant has squarely made out.

**WHETHER APPLICANT IS ENTITLED TO BAIL ?-**

65. 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 and education institute. There is difference between lapses, correction and intentional omission in order to extend benefits to anyone.

66. The present offence is not restricted to the extent of the education department and to the education institute but the said offence is against the society at large. The amount siphoned off by the beneficiaries in connivance with the education department was a public money. Thus this offence is against the society. The informant and the other victim are not only the sufferers and the public at large are also at sufferance.

67. Needless to mention, the magnitude of this offence is serious. The offence is economic offence and it involves huge crores of public money siphoned off by criminal conspiracy. Though the offence is serious one however the involvement of applicant ought to have been looked into. As observed above, this applicant has involvement to the extent of filling Form No.B. The lady senior clerk Smt. Manisha Thorat though filled Form No. A of those proposals despite investigating agency has not

chosen to implead her as accused. There is no explanation on behalf of prosecution in that regard. It is prerogative of the investigating officer to whom to be impleaded as accused. However, when the involvement of lady senior clerk stands on the same footing to that of the present applicant despite she was not chosen to implead as accused. Thus this fact ought to have been noted.

68. Further as observed above, the rule of parity has application since the involvement of accused – Uday Deore is akin to the involvement of this applicant. Even after filling Form No.B, sanction of proposals was with the accused Pravin Patil. As observed above, even after filling Form No. B, the further process of sanction, disbursement of salary, arrears, updation of Shalarth ID shall not go ahead, unless sanction is granted by the Education Officer. Even by filling Form No. B, the education institute and the beneficiaries could not get any benefit unless sanction is accorded. Hence the involvement of this applicant has limited role in this crime. Though the magnitude of offence is serious and it is economic offence however looking to the involvement of this applicant to the extent of filling Form No. B as such this applicant has made out case for grant of bail.

69. In the light of foregoing, looking to the involvement of this applicant as such this applicant has made out ground to

extend him on bail. As observed above, when grounds for bail are made out then only tripods ought to be looked into. This applicant has made out tripods i.e. he has firm roots in the society, there is no chance of fleeing from justice and there is no chance of tampering of evidence. On all these grounds, the applicant deserves for bail. Hence I answer Point No.I in the affirmative. 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 – Sudhir Bhaskar Pagar is allowed.  |
| 2.  | The applicant/accused be released on bail on furnishing P.R. and S.B. of Rs.50,000/- (Rs. Fifty Thousand) with one surety in the like amount on the following terms and conditions ;   |
| i.  | The applicant/accused shall assist to Investigating Officer whenever called under written intimation.  |
| ii. | The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the accusations against him so as to dissuade him from disclosing such facts to the Court or to any police officer. |

|      |  |
|------|--|
| iii. | The applicant/accused shall not tamper prosecution evidence in any manner.   |
| 3.   | The compliance of bail before learned Magistrate.  |
| 4.   | A soft copy of this bail order be forwarded to the applicants/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> |
| 5.   | Inform to concerned Police Station accordingly.  |
|      | Dictated and pronounced in Open Court.   |

**Place : Malegaon, Nashik.**

**Date : 13.03.2026.**

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

|                             |   |
|-----------------------------|---|
| 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.