

MHNS070021432025



ORDER BELOW EXH. 01
IN CRIMINAL BAIL APPLICATION NO.959/2025
AZADNAGAR POLICE STATION C.R.NO.95/2025
AYUBI ASHFAQUE AHMAD MOHAMMAD LUQMAN Vs. STATE
OF MAHARASHTRA.
(PASSED ON 17th DAY OF MARCH, 2026)

The applicant – Ayubi Ashfaque Ahmad Mohammad Luqman moved this application vide Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (In short “BNSS”) to enlarge him on bail in the event of arrest.

2. This application is strongly opposed on behalf of prosecution as per reply Exh.06 and 10.

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 applicant/accused on anticipatory bail vide Section	Yes.

	482 of Bharatiya Nagarik Suraksha Sanhita, 2023 ?	
II.	What Order ?	The Application is allowed.

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 for the State. Heard learned advocate Shri. Faiz Wasif for informant.

AS TO POINTS NO. I AND II :

BRIEF FACTS OF THE PROSECUTION :

5. The informant is one of the teacher at SWESS High School of the Education Institute by name Students Welfare Education Society. The informant is teacher of Physical Education at the said school since 16.6.2014. Though his salary was fixed, however he has not received the salary till December 2022. The informant has received salary to the extent of 20 % from November 2023 and 100 % salary from October 2024.

6. The appointment of 11 sub-teachers was 17.6.2013 but it was shown as 1.12.2012 by forgery in the order. Thus the

said order of appointment of teachers in the sanction order is forged. The date of appointment is forged with an intention to avoid TET Examination. Therefore the Chairman, Secretary, the Head Master, Senior Clerk and accused No.5 Naveed Akhatar Sageer Ahmed, who acted as agent for this forgery to siphoned off the money, are responsible for the said act of forgery.

7. On that count, the informant lodged the report at police station Azadnagar on 09.07.2025. The police station officer Azadnagar registered crime No.95/2025 for the offence punishable under Section 340(2), 337, 336(3), 318(4) read with section 3(5) of the Bharatiya Nyay Sanhita, 2023 against present accused No.1 to 5. Lateron involvement of present applicant is made out.

NOTICE TO VICTIM :

8. 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

has engaged private advocate Shri. Faiz Wasif. They strongly objected to grant pre-arrest bail to the applicant.

WHETHER GROUNDS OF PRE-ARREST BAIL ARE MADE OUT ?

9. At the outset, it is not in dispute that the informant is the teacher of Physical Education at SWESS High School in a education institute by name Students Welfare Education Society, Malegaon. The educational qualification of the informant is B.P.Ed. Initially he did not get salary till December 2022 and then received 20 % salary from November 2023 and lastly received 100 % salary from October 2024.

10. The present prosecution is in respect of forgery of date of appointment of 11 sub-teachers in the order of sanction. The date of appointment of those 11 teachers was in fact 17.6.2013. However by virtue of proposal the said date in the order of sanction shown as 1.12.2012 in order to avoid TET Examination by those teachers. In summation, the present prosecution in respect of the forgery of the date.

11. It is admitted position that the education institute is minority institution as such the TET examination at the aforesaid date of appointment was not mandatory. 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.

12. 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.

13. The investigating officer appeared and filed reply in detail vide Exh.10. Though in para No.1 of the reply, it is mentioned that it was misappropriation of the amount to the tune of Rs.2,50,50,000/- however the investigating officer and the prosecution conceded that in fact there is no such amount of misappropriation. There is no misappropriation of single farthing except the date of forgery.

14. The present applicant was a Head Master of the School for a period of short tenure of 6 months. During his

tenure, he forwarded proposal of those sub-teachers for grant of 100 % aid. Further this applicant as a Head Master of the school has forwarded one proposal for updation of name of those sub-teachers to Shalarth ID. The said proposal has signature of this applicant.

15. On perusal of the reply of prosecution, it appears that the education officer accused No.9 Pravin Shridhar Patil, Deputy Education Officer accused No.10 Uday Vitthalrao Deore and Officer Superintendent accused No.11 Sudhir Bhaskar Pagar are released on regular bail. The application for pre-arrest bail of accused No.1 Shafique Ahmed Jamil Hasan, Chairman of education Society, accused No.2 Abdul Rahim Abdul Khaliq, Secretary of the Education Institute, accused No.3 Nafique Isharat Mirza Mohammad Ameen, Head Master of the School, accused No.4 Usman Gani Gulam Rabbani, Senior Clerk of the School and accused No.5 Naveed Akhatar Sageer Ahmed who acted as agent, are released on ad-interim pre-arrest bail as per order of Hon'ble Bombay High Court.

16. Looking to the involvement of this applicant as a Head Master of the school forwarded proposals for 100 % grant and updation of the Shalarth ID, there is no misappropriation of the amount on the part of this applicant. This applicant is not the beneficiary of any amount. This applicant has not

forged the date of appointment. The allegations mentioned in FIR by the informant as to loss of his seniority, salary not paid, correspondence of grant of non-aided to aided by the education institute are not the subject matter of the prosecution.

17. In the light of foregoing, prima facie case is not made out against this applicant for the aforesaid offences. Thus the physical custody of this applicant with investigating agency is not required. This applicant has firm roots in the society as such there is no chance of fleeing from justice. The interrogation and investigation of this applicant could be achieved by imposition of condition of attendance to this applicant before investigating officer. This applicant has no criminal antecedents.

18. On all these grounds, the applicant deserves for pre-arrest bail. I answer Point No.I in the affirmative. With this, I pass following order;

ORDER

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| 1. | The application for bail in the event of arrest vide Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 on behalf of applicant - Ayubi Ashfaque Ahmad Mohammad Luqman is allowed. |
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i)	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 ;
ii)	The applicant/accused shall assist to Investigating Officer whenever called under written intimation.
iii)	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.
iv)	The applicant/accused shall not tamper with prosecution evidence in any manner.
v)	The applicant/accused shall attend the concerned police station on second and fourth Sunday of the month in between 11.00 a.m. to 2.00 p.m. before Investigating Officer till filing charge-sheet or further order of this Court, whichever is earlier.
3.	Inform to concerned Police Station accordingly.
	Dictated and pronounced in Open Court.

Place : Malegaon, Nashik.

Date : 17.03.2026

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

Arguments heard on	30 th Day of October, 3 rd , 10 th Day of November, 9 th , 18 th Day of December, 2025, 9 th , 27 th Day of February 10 th Day of March, 2026
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Judgment/order delivered on	17 th Day of March, 2026
Dictated on	17 th Day of March, 2026
Transcribed on	17 th Day of March, 2026
Checked and signed on	17 th 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 : 17.03.2026.
Judgment/Order signed on : 17.03.2026.
Presiding Officer : K.G. Paldewar
Judgment/Order uploaded on : 17.03.2026.