

Criminal Bail Application No.1059/2025
Azadnagar police Station C.R.No.95/2025
Tahera Bano Mohammad Taha - 9 Vs State
Exhibit No. 01

MHNS070023482025



ORDER BELOW EXH. 01
IN CRIMINAL BAIL APPLICATION NO.1059/2025
AZADNAGAR POLICE STATION C.R.NO.95/2025
TAHERA BANO MOHAMMAD TAHA Vs. STATE OF
MAHARASHTRA.
(PASSED ON 17th DAY OF MARCH, 2026)

The applicant No.1 – Tahera Bano Mohammad Taha, applicant No.2 – Aamera Bint Abdul Kahlique, applicant No.3 – Rehana Iqbal Ahmad, applicant No. 4 – Asefa Abdul Khaliq, applicant No. 5 – Sayyada Mohammad Anwar, applicant No. 6 – Shabana Parvin Mohd Ismail, applicant No. 7 – Ansari Saher Bano Azizullah, applicant No.8 – Zakiya Bano Mohd Yunus, applicant No.9 – Najmunnisa Ahmad Ansari and applicant No.10 – Sayyad Akhatar Sayyad Farooque moved this application vide Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (In short “BNSS”) to enlarge them on bail in the event of arrest.

2. This application is strongly opposed on behalf of prosecution as per reply Exh.08.

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 applicants/accused on anticipatory bail vide Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 ?	Yes.
II.	What Order ?	The Application is allowed.

REASONS

4. Perused application, say filed. Heard learned advocate Shri. A.A.Khan for applicants, 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 applicants 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 applicants.

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.8. 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 applicants are the sub-teachers working at the school of the education institute. These applicants as sub-teachers were holding required qualification of education as D.Ed on the date of appointment. There are no allegations against them as to the lack of qualification on the date of appointment also there are no allegations as to bogus qualifications holding by them. Further these applicants are not beneficiaries of a single farthing. The allegations against these applicants are only to the extent of date of appointment pushed in the year 2012 instead of the year 2013 in order to avoid TET Examination.

15. However, these applicants have not forged the date of appointment. They have not taken any benefit as to the early appointment shown in the year 2012. The investigating officer submitted that there is no clue as to the who has forged the order of sanction. Further the applicant No.10 Sayyed Akhatar Faruque was in employment honorarium with other institute on 1.12.2012 and he has accepted salary of the government. Thus this applicant No.10 due to incorrect and forged date of appointment has got excess pay band compared to the informant. The allegations of the informant in FIR as to loss of his seniority, salary not paid, correspondence of grant of non-

aided to aided and excess pay band etc. are not the subject matter of this prosecution.

16. 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 Khalique, 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.

17. Looking to the involvement of these applicants as sub-teachers holding required qualifications on the date of appointment. There is no misappropriation of the amount on the part of these applicants. These applicants are not the beneficiary of any amount. These applicants have not forged the date of appointment. The investigating officer has not come to the conclusion as to the responsible person who forged the date of appointments.

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

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

ORDER

1.	The application for bail in the event of arrest vide Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 on behalf of applicant - No.1 – Tahera Bano Mohammad Taha, applicant No.2 – Aamera Bint Abdul Kahlique, applicant No.3 – Rehana Iqbal Ahmad, applicant No. 4 – Asefa Abdul Khalique, applicant No. 5 – Sayyada Mohd Anwar, applicant No. 6 – Shabana Parvin Mohd Ismail, applicant No. 7 – Ansari Saher Bano Azizullah, applicant No.8 – Zakiya Bano Mohammad Yunus, applicant No.9 – Najmunnisa Ahmad Ansari and applicant No.10 – Sayyad Akhatar Sayyad Farooque is allowed.
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i)	The applicants/accused be released on bail on furnishing P.R. and S.B. of Rs.50,000/- (Rs. Fifty Thousand) each with one surety in the like amount on the following terms and conditions ;
ii)	The applicants/accused shall assist to Investigating Officer whenever called under written intimation.
iii)	The applicants/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the accusations against them so as to dissuade them from disclosing such facts to the Court or to any police officer.
iv)	The applicants/accused shall not tamper with prosecution evidence in any manner.
v)	The applicants/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	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.