

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3596 OF 2014

Ambadas Shankarappa Khalse

.... **APPLICANT**

V E R S U S

The State of Maharashtra & Anr.

.... **RESPONDENTS**

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Mr. S.J.Salunke, Advocate for Applicant.

Mr. U.H.Bhogale, A.P.P. for R – 1 State.

Mr. S.S.Chillarge, Advocate for R – 2.

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CORAM : V.M.DESHPANDE, J.

DATE : 8th APRIL, 2015

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PER COURT :

1. Heard Mr. S.J.Salunke, learned Counsel for the applicant, Mr. U.H.Bhogale, learned A.P.P. for Respondent No. 1 – State and Mr. S.S.Chillarge, learned Counsel for R – 2.

2. By the present application, the applicant is seeking cancellation of anticipatory bail granted in favour of respondent No. 2 on 31/05/2014, by which learned Additional Sessions Judge, Parbhani granted anticipatory bail in favour of respondent No. 2 for the offences punishable u/s

166, 168, 176, 403, 406, 409, 420, 427 of the Indian Penal Code and u/s 3 and 7 of Essential Commodities Act in M.A. No. 97/2014 .

3. It is not in dispute that the present applicant is Secretary of Trust, which runs school in which respondent No. 2 is Head Master. Thus, respondent No. 2 is direct under control of present applicant. Application u/s 156 (3) of the Code of Criminal Procedure was filed before the learned Magistrate at Parbhani, upon which the crime was registered. The perusal of complaint shows that, according to the applicant, respondent No. 2 has not discharged his duties properly and has failed to observe the norms set out for daily meal programme. Further, learned counsel has invited my attention to the enquiry report submitted to the Education Officer by the Enquiry Committee, which has pointed out that though rice [Khichadi] is being supplied to the students, however the standard is not in accordance.

4. Learned trial Court has considered all these aspects and then has found that the custodial presence of the present applicant is not essential and, therefore, granted anticipatory bail. The applicant being Secretary is also responsible to see that the standard is maintained. He can not run away from his responsibility.

5. Learned counsel for respondent No. 2 has pointed out to me that there is dispute in the Trust and respondent No. 2 is on the side of the group which is having dispute with the

present applicant and, therefore, according to him, the application is filed with ill motive.

6. In view of the fact that anticipatory bail was granted in favour of respondent No. 2 on 31/05/2014, while granting anticipatory bail, respondent No. 2 was directed to attend police station. Further, the Investigating Officer has not filed any application for cancellation of bail.

7. It is clear that the present Criminal Application is meritless and, therefore, it is dismissed.

[V.M.DESHPANDE, J.]