

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1476 OF 2016

Rajaram Dhondi Koli

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Santaram A. Tarle Advocate for Applicant.

Mr. Prashant Jadhav APP for the State.

Mr. B. S. Birajdar, A.P.I.

Sangola Police Station, Solapur

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : SEPTEMBER 8, 2016.

PC :

1) Heard. This is an application under section 438 of the Code of Criminal Procedure, 1973. Applicant herein is apprehending his arrest in crime no. 377 of 2016 registered at Sangola Police Station for offence punishable under sections 420, 468, 466, 467, 471, 409, 477 (A) r/w 34 of the Indian Penal Code.

2) Applicant happens to be the Head Master of Chinake Primacy School run by Zilla Parishad, Solapur. On 08/06/2016, Tanaji Ghadge who happens to

be Taluka Development Officer of Panchayat Samiti, Sangola lodged a report at the police station alleging therein that Extension Officer of the Zilla Parishad had submitted a report to him stating therein that certain projects under the Integrated Child Development Scheme were not being implemented properly by the school at Chinake. That there are irregularities in the sense that the uniforms are not distributed to the children. It was alleged that the students are entitled to two sets of uniform wherein only one set has been provided to them. It was also reported that the mid-day meal scheme is not being implemented properly. That students who are not admitted in the school, their presence has been shown in the roll call of the school. That there is a misappropriation of Rs. 20,600/- and that amount of Rs. 83/- towards mid-day meal scheme has been misappropriated. Applicant in the capacity of the Head Master was held responsible for all the irregularities in the said school.

- 3) Applicant was protected by an order dated 24/08/2016.
- 4) The learned APP upon instructions submits that two set of uniform has been provided to the students. It is also submitted that all the teachers have been granted pre-arrest bail.

5) The learned counsel for the applicant submits that the role assigned to the present applicant in the capacity of head master was supervisory in nature and he alone cannot be held responsible for the dereliction of duties by the teachers.

6) That by virtue of doctrine of parity, applicant would be entitled to grant of pre-arrest bail. However, it is made clear that observations made herein above are restricted to an application under section 438 of the Code of Criminal Procedure, 1973 and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

(i) Application is allowed.

(ii) In the event of arrest, applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(iii) Applicant shall report to the concerned police station as and when called after issuing notice under section 160 of the Code of Criminal Procedure, 1973.

(iv) Applicant shall co-operate with the investigating agency and give specimen signature as well as specimen handwriting to the Investigating

Officer.

(v) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)