

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (ABA) 283 OF 2016

(Anil Vishvanath Chate Vs. The State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Anil Mardikar, Senior Advocate for the applicant.
Shri A. V. Palshikar, A.P.P. for the State.

CORAM : S. B. SHUKRE, J.

DATED : 28 JULY, 2016

Heard learned Senior Counsel for the applicant and the learned A.P.P. for the State. Perused the reply of the prosecution and the first information report. I have also gone through the case diary.

Upon perusal of the case diary and the F.I.R., I find that learned Senior Counsel for the applicant is right when he submits that this applicant cannot be discriminated against in the matter of grant of bail when the main accused, the Principal Mr. N.B. Bhusari has been granted bail by the Sessions Court. The F.I.R. shows that serious allegations have been made against Mr. Bhusari, the Principal of Shivaji Science & Arts College, Chikhli. The document at page 49 shows that it was this applicant on whose complaint filed on 17/9/2014 that it was brought to the notice of the Collector, Buldhana about commission of various irregularities and fraudulent acts in this College.

Learned Senior Counsel submits that as per the Government Resolution dated 01/11/2003, the entire responsibility for paying scholarship and keeping record in that regard has been placed upon the Headmaster or the Principal. The applicant, who is a Clerk and who appears to be a Whistle Blower, however, is now being treated in an unfair manner, in the sense that the person, who has primary responsibility and who is primarily accountable for various irregularities and fraudulent activities, has been enlarged on bail, whereas this applicant has not been.

In my view, learned Senior Counsel is right. The case of the applicant certainly stands even on a better footing than the Principal, released on bail. The order granting bail to the Principal has not been challenged by the prosecution. Therefore, now, this applicant would be entitled for bail on the ground of parity. Hence, the order.

The application is allowed.

Interim bail granted to this applicant by this Court on 02/5/2016 is hereby confirmed on the same conditions in addition to the condition that he shall attend the police station as and when required.

JUDGE

CERTIFICATE

“I certify that this order uploaded is a true and correct copy of original signed order.”

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