

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

931 CRIMINAL APPEAL NO.615 OF 2022

KISHAN IRBAJI KHANDRE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Appellants : Mr. Mundhe Subhash V.
APP for Respondent : Mr. P G Borade
Advocate for Respondent 2 : Dr. Nandedkar S G

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CORAM : SHRIKANT D. KULKARNI, J.
Dated: September 16, 2022

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PER COURT :-

1. Feeling aggrieved by the rejection order of regular bail passed by the learned Additional Sessions Judge-3, Hingoli, in criminal bail application no.284 of 2022, the appellant has preferred this appeal by taking aid of section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short hereinafter referred to as the Act.)

2. Heard Mr. Munde, learned counsel for the appellant, Mr. Borade, learned APP for the State and Dr. Nandedkar, learned counsel for respondent no.2.

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3. It is revealed during the course of the argument that crime no.284 of 2022 came to be registered at Akhada Balapur Police Station, District Hingoli u/s 306, 34 of the IPC and sections 3(2)(va) of the Act against the present appellant and one lady warden. The appellant came to be arrested in connection with above said crime on 2.8.2022. Since the date of arrest, he is behind bars. Lady warden seems to have released on regular bail by the Additional Sessions Judge.

4. Mr. Nandedkar, learned counsel for respondent no.2 and Mr. Borade, learned APP for the State strongly opposed to grant bail to the appellant having regard to the serious nature of the offences alleged against the appellant.

5. It is pointed out by Mr. Munde, learned counsel for the appellant that in the suicide note, there is no mention of the appellant. The appellant is the Head Master of the School. Warden is custodian of the student, who are staying in the hostel and Head Master has no role to play. He submitted that, when warden is

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released on bail, rule of parity must be applied to the appellant.

6. I find merit in the submissions of Mr. Munde, learned counsel for the appellant. The appellant is behind bars since one and half months. When Warden of the Hostel is released on bail though she may be lady, why the appellant may be kept behind bars; having regard to his role as a Head Master of the school. Remaining part of the investigation can be completed smoothly in view of the fact that the appellant is a Head Master.

O R D E R

- i. Appeal is allowed.
- ii. The impugned order passed by the learned Additional Sessions Judge-3, Hingoli, below exhibit 1 in criminal bail application no.284 of 2022 dated 16.8.2022 is hereby quashed and set aside.
- iii. The appellant shall be released on bail on his furnishing P.R. Bond in the sum of Rs.20,000/- (Rs. Twenty Thousand) with one or two solvent

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sureties of the like amount on the following conditions :-

- a] He shall remain present as and when called by the Investigating officer and cooperate the Investigating Agency.
 - b] He shall furnish his in detail address with Cell number before the trial court.
 - c] Bail before the trial court.
 - d] Inform the concerned court accordingly.
- iv. Criminal appeal is accordingly disposed off.

(SHRIKANT D. KULKARNI, J.)

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