



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

BAIL APPLICATION NO. 1543 OF 2026

Santosh S/o. Kisan Korde,
Age : 34 years, Occu. : Agri.,
R/o. Dhangarwadi, Tq. Sengaoon,
Dist. Hingoli.

... Applicant

Versus

The State of Maharashtra
Through Goregaon Police Station,
Tq. Sengaoon, Dist. Hingoli.

... Respondent

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Mr. V. D. Sapkal, Senior Counsel i/b. Mr. Yash A. Jadhav, Advocate
for Applicant.
Mr. K. K. Naik, APP for Respondent – State.

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CORAM : HITEN S. VENEGAVKAR, J.

RESERVED ON : 27th AUGUST 2026

PRONOUNCED ON : 1st SEPTEMBER 2026

ORDER :

1. By this application, the applicant seeks his release on regular bail in connection with Crime No.48 of 2026 registered with Goregaon Police Station, District Hingoli, for the offences punishable under Sections 316(5), 318(3), 318(4), 336(2), 336(3) and 340(2), read with Section 3(5), of the Bharatiya Nyaya Sanhita, 2023. The applicant was arrested on 10 April 2026. The investigation is complete and the charge-sheet has been filed on 2 June 2026, giving rise to R.C.C. No.113 of 2026.

2. The prosecution case, briefly stated, arises out of the implementation of irrigation-well works under the Mahatma Gandhi National Rural Employment Guarantee Scheme at village Dhangarwadi. Ramchandra Shankar Khadse complained that an irrigation well had been sanctioned in his name and an amount of ₹1,75,224/- was shown as disbursed towards labour charges, although no well was constructed. An inspection conducted pursuant to the complaint allegedly disclosed that work had not been executed at the sanctioned site. The subsequent inquiry allegedly revealed similar irregularities concerning sixteen irrigation-well works and misappropriation of government funds amounting to approximately ₹31,68,768/- by preparing or using false muster rolls, measurement records, geo-tagging material and other documents.

3. According to the prosecution, the applicant acted as a private agent in the village. He allegedly brought co-accused Parmanand Vishwanath Tambile, who operated a Common Service Centre and worked as a Bank Mitra, to Dhangarwadi. The applicant is alleged to have called job-card holders and beneficiaries, obtained their Aadhaar particulars and facilitated authentication of withdrawals by obtaining their thumb impressions on the point-of-sale device operated by Tambile. It is alleged that amounts

standing to the credit of labourers were withdrawn through the device and were first credited to Tambile's current account. From that account, an aggregate amount of ₹6,40,691/- was transferred through eighteen transactions to the applicant's bank account. A further amount of ₹2,14,196/- was transferred to the account of the applicant's friend, Ashok Rupaji Jagtap, and ₹5,100/- was transferred to the account of the applicant's mother, Prayagbai Kisan Korde. The prosecution further relies upon the statements of beneficiaries alleging that the applicant represented that he would secure sanction of wells and collected money from them.

4. Learned counsel for the applicant submits that the applicant was neither a government servant nor concerned with the sanction, measurement, certification or payment of the works. It is submitted that the prosecution case is substantially founded upon bank records and official documents, all of which have already been collected and form part of the charge-sheet. The transfers relied upon by the prosecution were made by Tambile, and the nature and purpose of those transactions can be established only at the trial. No allegedly misappropriated amount, forged document or other incriminating article has been recovered from the applicant's residence. It is further submitted that the applicant has remained in custody since 10th April, 2026 and his

further detention is not required for investigation.

5. Learned counsel also relies upon the order dated 3rd June, 2026 by which co-accused Parmanand Tambile was released on regular bail. It is submitted that Tambile operated the point-of-sale device and the account into which the amounts were initially credited, and his alleged role is at least comparable to that attributed to the applicant. Reliance is also placed upon the applicant's permanent residence and willingness to comply with stringent conditions. Learned counsel submits that the apprehension of influencing witnesses can be addressed by restraining the applicant from entering the village and contacting the beneficiaries.

6. Learned Additional Public Prosecutor opposes the application. It is submitted that the accusations concern organised diversion of public money intended for rural employment and irrigation works. The applicant is not sought to be implicated merely because money entered his account; he is alleged to have acted as the local organiser, brought Tambile to the village, assembled job-card holders and facilitated biometric withdrawals. The repeated credits aggregating ₹6,40,691/- into the applicant's account, besides transfers to his friend and mother, constitute

material corroborating the statements of the beneficiaries. It is further submitted that the applicant is a resident of the same village and, if released, may influence local witnesses. The State also points out that Crime No.73 of 2026, for an offence under Section 108 of the Bharatiya Nyaya Sanhita, has been registered against the applicant and that further investigation is permissible under Section 193(9) of the Bharatiya Nagarik Suraksha Sanhita.

7. I have considered the rival submissions and examined the investigation papers. The accusations cannot be described as either casual or unsupported. The statements concerning the applicant's alleged role, read with the series of transfers into his account and the accounts of persons associated with him, furnish a prima facie link requiring explanation at the trial. The allegation relates to diversion of money under a public welfare scheme and must, therefore, be viewed with due seriousness. At the same time, the Court, while considering bail, is not expected to determine the admissibility or final evidentiary value of individual statements and banking entries. Whether the applicant was a participant in the alleged scheme, whether there was entrustment within the meaning of Section 316(5), and whether the transactions were proceeds of the alleged diversion are matters for evidence.

8. The investigation has been completed and the charge-sheet has been filed. The principal evidence comprises bank statements, account details, electronic transaction records, muster rolls, measurement and geo-tagging records, official correspondence and statements already recorded by the investigating agency. These materials are either in official custody or form part of the charge-sheet. Nothing specific has been shown to indicate that any further custodial interrogation of the applicant is presently required. Further investigation, if undertaken in accordance with law, can continue by directing the applicant to cooperate with the investigating officer. Continued custody cannot be ordered merely for compelling recovery of the amount allegedly received.

9. The bail granted to Parmanand Tambile does not create an automatic right in favour of the applicant, since parity must be assessed by comparing the particular roles attributed to the accused. Nevertheless, Tambile is alleged to have operated the device through which the withdrawals were effected and controlled the account in which the withdrawn amounts were first deposited. His alleged role is materially connected with the very transactions relied upon against the applicant. The applicant is alleged to have acted as the local facilitator and recipient of a part of the amount.

The roles are not identical, but they are sufficiently comparable for the order granting regular bail to Tambile to constitute a relevant consideration. The interim anticipatory protection granted to some other accused cannot, by itself, be treated as a final determination of parity and is not being made the foundation of the present order.

10. The disclosed registration of Crime No.73 of 2026 is a circumstance which cannot be ignored. However, the record presently discloses one such case and not a history of repeated convictions. Registration of that offence, without more, would not justify indefinite detention in the present crime after completion of the investigation. The apprehension that the applicant may influence village witnesses is more substantial. It can, however, be adequately addressed by restricting his entry into Dhangarwadi for a limited period, prohibiting contact with witnesses and requiring regular attendance before the investigating agency.

11. Thus, while there is sufficient material to proceed against the applicant at the trial, his continued incarceration is not shown to be necessary for investigation or preservation of the documentary evidence. Considering the filing of the charge-sheet, the nature of the evidence, the period of custody, the bail granted to the co-accused having a materially connected role, and the

possibility of safeguarding the prosecution by imposing stringent conditions, the application deserves to be allowed. These observations are confined to the decision of the present bail application and shall not influence the trial.

ORDER

- a) The Bail Application is allowed. The applicant - Santosh s/o Kisan Korde, shall be released on bail in connection with Crime No.48 of 2026 registered with Goregaon Police Station, District Hingoli, on executing a personal recognizance bond of ₹50,000/- with one or more solvent sureties in the like amount, subject to the satisfaction of the jurisdictional Court.
- b) The applicant shall not directly or indirectly contact, induce, threaten or make any promise to the informant, beneficiaries, job-card holders or any other prosecution witness. He shall not tamper with the documentary, electronic or banking evidence and shall not attempt to obtain any document from the concerned Gram Panchayat, Panchayat Samiti, bank or Common Service Centre except through lawful process.
- c) For a period of six months from the date of his release, or until the material witnesses residing at Dhangarwadi are examined, whichever is earlier, the applicant shall not enter village Dhangarwadi except with prior written permission of the trial Court. Before his release, he shall furnish to the investigating officer and the trial Court the complete address at which he will reside

during this period, together with his active mobile number, and shall intimate any change thereof in advance.

- d) The applicant shall attend Goregaon Police Station, Investigation Officer, on the first Monday of every month between 11.00 a.m. and 1.00 p.m. for six months. He shall also remain present before the investigating officer whenever called for the purpose of lawful further investigation.
- e) The applicant shall regularly attend the trial and shall not seek unnecessary adjournments. He shall not leave India without prior permission of the trial Court and shall surrender his passport, if any, before that Court.
- f) In the event of breach of any condition, influencing of witnesses, non-cooperation with lawful further investigation or commission of a similar offence, it shall be open to the prosecution to seek cancellation of bail.
- g) The applicant shall be released forthwith, if he is not required to be detained in connection with any other crime.
- h) The application stands disposed of accordingly.

(HITEN S. VENEGAVKAR)
JUDGE