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

**920 ANTICIPATORY BAIL APPLICATION NO.1237 OF 2021**

**SUBHASH BHASKAR DEVRAJ  
VERSUS  
THE STATE OF MAHARASHTRA**

...  
Mr. Surendra V.Suryawanshi and Mr. Varun C.Sharma , Counsel for  
applicant  
Mr. A.S.Shinde, APP for respondents-State

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**CORAM : PRAKASH D. NAIK, J.**  
**DATE : 26<sup>th</sup> NOVEMBER, 2021**

**PER COURT:**

1] The applicant is apprehending arrest in Crime No.92/2018 registered with Chopada Gramin Police Station, Dist.Jalgaon for the offence punishable under Sections 420, 406, 408 and 409 of Indian Penal Code (for short, 'IPC').

2] The First Information Report (for short, 'FIR') was lodged by Jitendra Patil, who is the Extension Officer, Grampanchayat, Panchayat Samiti, Chopada Dist.Jalgaon. It is alleged that the applicant was Gramsevak during the relevant period from the year 2015 to 2016. Subsequently, it was noticed that some documents were missing. There was suspicion in respect to transactions of 2015 to 2016 that the applicant is involved in misappropriation of the amount.

3] Learned counsel for the applicant submitted that the inquiry was conducted by B.D.O. and the inquiry report indicate that there has been misappropriation. There is no evidence to show that the applicant had misappropriated any amount. The transactions are related to the year 2015 and 2016. The applicant was Gramsevak for the year 2015 – 2016.

4] Learned APP relied on observation in order passed by learned Sessions Judge, rejecting the application for anticipatory bail. In the order, it is sated that inquiry was conducted and some documents were found missing. There is suspicion of misappropriation. The applicant was absconding. Application was rejected by Sessions Court in 2018. The statements of witnesses were recorded. They had stated that the amount towards the work performed by them were paid in cash. There was reason to suspect that the applicant is involved in misappropriation of amount.

5] Learned counsel for the applicant further submits that since last 3 years, there was no attempt to arrest him. There is no evidence to show that applicant was absconding.

6] It is apparent that there is no strong evidence that the applicant has misappropriated the amount. Case is based on suspicion. Applicant was granted interim protection by order dated 22-10-2021 directing him to appear before the Investigating Officer. The applicant has complied

the said direction. In these circumstances, applicant need not be subjected to custodial interrogation. Hence, I pass the following order.

**ORDER**

- (i) Anticipatory Bail Application No.1237 of 2021 is allowed.
- (ii) Interim order dated 22<sup>nd</sup> October, 2021 is confined.
- (iii) In the event of arrest of applicant in connection with Crime No.92/2018 registered with Chopada Gramin Police Station, Dist.Jalgaon, the applicant be released on bail on his executing P.R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount.
- (iv) Applicant shall report Investigating Officer as and when called for, till filing charge-sheet.
- (v) Application stands disposed of.

**( PRAKASH D. NAIK, J. )**

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