



drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.602 OF 2024

Rahul Sahebrao Shirsath

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....
Mr. Amol S. Gandhi, Advocate for the applicant
Mr. R. B. Dhaware, APP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 6th MAY, 2024

ORDER :

1. Applicant apprehends arrest in connection with Crime No. 138 of 2024 registered with Kopargaon Police Station, District - Ahmednagar for offence punishable under sections 409, 420, 468, 471 of the Indian Penal Code.
2. FIR is lodged by Vilas Bhamre, Naib Tahsildar from Sub Divisional Office, Shirdi, alleging that, applicant was working as Revenue Assistant in Tahsil Office, Kopargaon, He was entrusted with the work relating to election, insertion of names of new voters, voters' list, deleting names of migrated voters, voters list programme and other tasks. As per the order of Collector / District Election Officer, Ahmednagar, dated 25th May, 2023, an amount of Rs.6,00,000/- was sanctioned as honorarium for the

Booth Level Officers (BLO) for the financial year 2023-24, within Kopargaon Taluka. Applicant prepared bills, but said amount was transferred in the name of 25 private persons. Said amount was transferred in the name of wife, father, mother, sister, brother, brother in law, friend, friend's wife and other nearest relatives of applicant. They were not at all Booth Level Officers. One Sanjay Bhaskar Kale, resident of Kopargaon has filed a complaint to Collector regarding said misappropriation. Said complaint was enquired into by Sub Divisional Officer, Shirdi. It was transpired that applicant, Naib Tahsildar and Tahsildar have committed misconduct under Maharashtra Civil Services Conduct Rules, 1979.

3. Heard learned advocate for applicant and learned APP for the State. Perused the investigation papers.

4. Applicant claims that inadvertently, an amount of Rs.6 lakh was disbursed to private persons, by bank transfer and the said amount is recovered and was paid to Tahsildar, Kopargaon, who has deposited it in the treasury on 6th November, 2023.

5. Admittedly, Departmental Inquiry is initiated against applicant and other co-accused and the same is going on. Investigation pertains to documents, which are already seized by Investigating Officer. Applicant being a public servant, is not

likely to abscond, if released on bail. Nothing is to be recovered from applicant. In the facts of the present case, custodial interrogation of applicant is not required. Hence, the following order:

ORDER

- A. Anticipatory Bail Application is allowed.
- B. In the event of arrest of applicant in connection with Crime No. 138 of 2024 registered with Kopargaon Police Station, District - Ahmednagar, applicant - Rahul Sahebrao Shirsath be released on executing Personal Bond and Surety Bond of Rs.15,000/- with one surety in the like amount.
- C. Till filing of the charge sheet, applicant shall attend the concerned police station as and when called by Investigating Officer.
- D. Applicant shall not tamper prosecution evidence.

**[NITIN B. SURYAWANSHI]
JUDGE**