

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1428 OF 2024

Ganga Sudhir Patil	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Chintamani K. Bhangoji for the Applicant.
Mr. Kiran C. Shinde, APP for Respondent-State.

**CORAM: MANISH PITALE, J.
DATE : 7th OCTOBER 2024**

P.C. :

1. By this application, the applicant is seeking relief of anticipatory bail as she apprehends arrest in connection with FIR No. 0021 of 2024 dated 1st March 2024 registered at Dighi Sagari Police Station, Dist. Raigad, for offences under Section 409 read with 34 of the Indian Penal Code, 1860 (IPC).

2. At the outset, it is pointed out that when his application was taken up for consideration on 21st May 2024, a statement made by the learned APP on instructions of the Investigating Officer was recorded that the applicant would not be arrested till the next date of hearing, on condition that she would cooperate with the investigation.

3. The applicant was directed to appear before the Investigating Officer on two dates in May 2024 and further two

dates in June 2024. The learned APP, on instructions, submits that the applicant indeed appeared before the Investigating Officer in terms of the aforesaid direction and that she has cooperated with the investigation.

4. Having heard the learned counsel for the applicant and the learned APP, this Court is inclined to allow the application, for the following reasons :

- (a) The alleged period of misappropriation of amount pertains to the years 2011 to 2014. The applicant was the then *sarpanch* of the *Gram Panchayat*. She is a woman. The subject FIR is registered after almost 10 years i.e. on 1st March 2024. *Prima facie*, there is delay in registration of the FIR.
- (b) Reference is made to an Audit Report prepared in the year 2022, with regard to the aforesaid period between 2011 and 2014. The Audit Report was not placed before the Chief Executive Officer of the Zilla Parishad, as required under the relevant statute and yet, the Block Development Officer (BDO) of the *Panchayat Samiti* relied upon the Audit Report to directly cause the FIR to be registered. *Prima facie* this appears to be a ground in favour of the applicant.
- (c) The applicant is a woman who has cooperated with the Investigation and there does not appear to be any reason for

insisting upon her physical custody.

5. In the light of the aforesaid reasons, the application is allowed. The interim order dated 21st May 2024 is confirmed.

6. The applicant shall continue to cooperate with the investigation. She shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

7. The application is disposed of.

MANISH PITALE, J.