

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2770 OF 2024**

Sanjay Shankar Shriwardhankar	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Balwant Salunkhe for applicant.

Ms. Rutuja Anil Ambekar, APP for respondent-State.

Mr. A. R. Shaikh, PSI, Dighi Sagari Police Station, District Raigad.

**CORAM : MANISH PITALE, J.
DATE : 14th OCTOBER, 2024**

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0021 of 2024 dated 01.03.2024, registered at Dighi Sagari Police Station, District Raigad, for offences under Section 409 read with Section 34 of the Indian Penal Code, 1860.

3. The allegations in the FIR, registered at the behest of the Block Development Officer of *Panchayat Samiti* are that the applicant, as the then *Gram Sevak* between the period 2011 to 2014, was involved in misappropriation of amounts concerning the *Gram Panchayat*.

4. At the outset, the learned counsel for the applicant submitted that the co-accused person, who was the *sarpanch* at the relevant time, was initially enjoying interim relief and eventually, Anticipatory Bail Application No.1428

of 2024 filed by her, was allowed by order dated 07.10.2024. It is submitted that the applicant is seeking relief on the ground of parity.

5. The learned APP has opposed the present application and she submitted that the ground of parity cannot be raised in the present case, as there is sufficient material against the applicant, who was one of the two *Gram Sevaks* at the relevant time. It is submitted that the other *Gram Sevak* was granted anticipatory bail by the Sessions Court on the condition of depositing substantial amount. It is further submitted that the applicant has not co-operated with the investigation, despite notices served upon him.

6. While keeping the present application pending, this Court is inclined to grant interim relief in favour of the applicant for the following reasons:

- (a) The alleged period of misappropriation of amounts pertains to the period 2011 to 2014 when the applicant was one of the two *Gram Sevaks*. The subject FIR has been registered after about 10 years i.e. 01.03.2024. *Prima facie*, it can be said that there is delay in registration of FIR.
- (b) There is reference to an audit report leading to registration of FIR, which was prepared in the year 2022, with regard to the aforementioned period between 2011 and 2014. The audit report was not placed before the Chief Executive Officer of *Zilla Parishad*, as required under the relevant statute. Yet, the Block Development Officer of the *Panchayat Samiti* relied upon the said report to cause the FIR to be registered.
- (c) The applicant has already retired from service in the year 2023.
- (d) He is ready to co-operate with the investigation and to appear before the investigating officer.

7. In view of the above, there shall be interim order in following terms:
- (i) Till the next date, in the event the applicant is arrested in connection with FIR No.0021 of 2024 dated 01.03.2024, registered at Dighi Sagari Police Station, District Raigad, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- and one or two sureties in the like amount to the satisfaction of the trial court.
 - (ii) The applicant shall appear before the investigating officer on 16.10.2024 and 17.10.2024 between 10:00 a.m. and 12:00 noon and thereafter as and when required by the investigating officer.
 - (iii) The applicant shall not influence the informant, witness or any person concerned with the case and shall not tamper with the evidence. He shall co-operate with the investigation.
8. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.
9. List for further consideration on 20.11.2024 High on Board.

(MANISH PITALE, J)

Priya Kambli