



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.330 OF 2024

(Rajnand s/o Vilas Gavai Vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. N.B. Kalwaghe, Advocate for the applicant.
Mr. M.J. Khan, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 22, 2024.

Apprehending the arrest at the hands of police, in connection with Crime No.67/2024 registered with Police Station Khamgaon, District Buldhana for the offences punishable under Sections 409, 420, 468 and 471 read with Section 34 of the Indian Penal Code, the applicant approached to this Court for grant of anticipatory bail.

2. Learned Counsel for the applicant submitted that the applicant was the Secretary of Gram-panchayat, Shelodi, District Buldhana from July, 2018 to July, 2023 and the crime is registered against him alleging that in connivance with the co-accused he has transferred the government land to the name of one Sunil Punjaji Ingle. Said Sunil Ingle has executed the Gift Deed of the said land in favour of his son. It is further alleged that the resolution was passed by the Gram Panchayat and by that resolution the co-accused Sunil Ingle became the owner of the landed property and he has executed the Gift Deed.

He submitted that as far as the present applicant is concerned he is not at all concerned with the alleged offence. It also does not bear the signature of the present applicant. As far as the custodial interrogation is concerned which is not required. He also invited my attention towards the observation in the earlier bail order passed in Criminal Application (ABA) No.231 of 2024.

3. Learned Additional Public Prosecutor strongly opposed the application on the ground that the applicant is the custodian of all the documents and during his tenure this property was transferred to the name of the co-accused. Similarly the Namuna No.8-A shows the name of the Sunil Ingle for the first time is also obtained. The dates of these two documents are 25/01/2023 and 29/03/2023. Thus, within the period of two months, Government record is changed. It is further pertinent to note that during this period the present applicant was working as Gram Panchayat Secretary and both these documents bear his signature. Thus, he submitted that custodial interrogation of the present applicant is required for the purpose of investigation to ascertain the involvement of the various persons in the said transaction. He submitted that it was an attempt to grab the government property in the name of one of the villager who has executed the Gift Deed in favour of his son.

4. I have heard learned Counsel for both the parties. Perused the investigation papers and the various

statements. It reveals from the various documents filed on record that on 25/01/2023 the land was standing in the name of Government and on 29/03/2023 it was transferred in the name of said Sunil Ingle who has executed the Gift Deed in favour of his son. Thus, considering within three months this land was transferred in the name of the co-accused and co-accused has executed the Gift Deed in favour of his son. The involvement of the present applicant as a Secretary revealed from the investigation papers. The attempt was to grab the government property, and therefore, the investigation to that effect was required. Hence, the custodial integration of the present applicant is required. In view of that, *prima facie* case is made out against the present applicant. Hence, the application deserves to be rejected.

5. Accordingly, the application is rejected.

(URMILA JOSHI-PHALKE, J.)

**Divya*