



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

CRIMINAL APPLICATION (ABA) NO.810 OF 2024

(Rajesh Prakash Gote Vs. 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. Akshay Naik, Sr. Advocate a/b Mr. H. Chawhan, Advocate for the
applicant.

Mr. H.D. Dubey, A.P.P. for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- DECEMBER 12, 2024

Apprehending the arrest at the hands of police in connection with Crime No.533/2024 registered with Police Station Malegaon, District Washim for the offences punishable under Sections 409 read with Section 34 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by Yadav Yashwant Palaskar who works as an Extension Officer of the Panchayat Samiti, Malegaon and the applicant is working as a Gram Sevak since 2011 in Zilla Parishad, Washim. It is alleged that during the course of his tenure he has misappropriated the amount of Rs.5,34,906/- by way of implementing the various schemes illegally and unauthorisedly and by incurring the expenses unauthorisedly. On the basis of said report, police have registered the crime against the present applicant.

3. Mr. Naik, learned Senior Counsel for the applicant pointed out from the record that it is alleged that the present applicant and the other co-accused have not purchased the articles which are required for the gram panchayat by using the Gem portal but the communication by the Block Development Officer to one Ganesh Suresh Gote that the Gram Panchayat, Ridhora is not registered on Gem portal, therefore, the contention of the informant that without using the GEM portal, the articles are purchased unauthorisedly is not sustainable. He submitted that the other allegation is that the amount of cheque of Rs.90,000/- is misappropriated by the present applicant and Sarpanch of the village but the applicant is ready to deposit the said amount, therefore, the custodial interrogation of the applicant is not required. In view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed and application and submitted that considering the stake of misappropriated amount and considering the fact that the applicant who is serving as a Gram Sevak has not used the GEM portal while purchasing the articles and unauthorisedly incurred the expenses, therefore, his custodial interrogation is required.

5. I have heard learned Counsel for both the parties. On perusal of the recitals of the FIR and the

investigation papers, it reveals that the Gram Panchayat, Ridhora is not at all registered on GEM portal, and therefore, the articles are not purchased. Therefore, as far as the allegation as to the incurring of the expenses unauthorisedly is concerned appears to be doubtful. As far as the other allegation that the cheque of Rs.90,000/- was shown to be missing; however, the amount was withdrawn by the present applicant. The present applicant has shown his readiness to deposit the amount of Rs.90,000/- before this Court. In view of that, the application of the present applicant is allowed subject to the payment of the said amount. In view of that, I proceed to pass the following order:

(i) The application is allowed.

(ii) In the event of the arrest, the applicant - Rajesh Prakash Gote in connection with Crime No.533/2024 registered with Police Station Malegaon, District Washim for the offences punishable under Sections 409 read with Section 34 of the Indian Penal Code, be released on anticipatory bail on executing P.R. bond of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall deposit Rs.90,000/- before this Court forthwith.

(iv) The applicant shall attend the concerned police station once in a week i.e. on Monday between 10.00 AM and 1.00 PM and shall cooperate with the investigating agency.

(v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case, either personally or by way of electronic media.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*