



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

943 ANTICIPATORY BAIL APPLICATION NO. 388 OF 2025

Santosh Mansing Rathod

VERSUS

The State Of Maharashtra And Another

...

Advocate for Applicant : Mr. Patil Prakashsing B.

APP for Respondents-State: Mr. S. P. Sonpawale

...

CORAM : ARUN R. PEDNEKER, J.

Dated : April 02, 2025.

PER COURT :-

1. 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.16/2025, dated 31/01/2025, registered at Nardana Police Station, Nardana, Tq. Shindkheda, District Dhule, for the offences punishable under sections 406, 409, 420, 34 of Indian Penal Code.
3. This Court, by order dated 18/03/2025, granted interim protection to the applicant, noting the submissions in paragraphs 3, 4, 5, 6, and 7 as follows :

"3] The allegation against the applicant is that during the period of January, 2021 to December, 2021, the applicant along with Sarpanch of the village have misappropriated amount of Rs.12,49,296/-.

4] The learned counsel for the applicant submits that the present applicant has not committed any offence as alleged by the informant. The FIR No.16/2025 has been filed by the informant with vague allegations without any base. There are ample contradictions in FIR and in audit report. As per FIR, the allegations are as under :

Sr.No.	Name of work	Amount spent on work	Valuation of work	Excess amount spent on the work.
1.	14 th Finance paver block	Rs.2,59,000/-	...	Rs.2,59,000
2.	Water tap connection no.1	Rs.1,15,000/-	...	Rs.1,15,000
3.	Water tap connection no.2	Rs.1,95,000/-	...	Rs.1,95,000
4.	Water tap connection no.3	Rs.1,96,000/-	...	Rs.1,96,000
5.	Water tap connection no.4	Rs.1,98,500/-	...	Rs.1,98,500
6.	Underground Gutter	Rs.2,50,000/-	Rs.2,29,204/-	Rs.20,796/-
7.	Underground Gutter No.3	Rs.1,65,000/-	...	Rs.1,65,000/-
8.	Village Tank Repairing	Rs.1,57,000/-	Rs.57,107/-	Rs.1,00,000/-
9.	Total			Rs.12,49,296/-

As per Audit report, facts are as under :

Sr.No.	Name of work	Amount spent on work	Valuation of work	Excess amount spent on the work.
1.	14 th Finance paver block	Rs.2,59,000/-	Rs.2,98,990	Rs.39,990/- spent less than valuation.
2.	Water tap connection no.1	Rs.1,15,000/-	Rs.1,15,651	Rs.651 spent less than valuation.
3.	Water tap connection no.2	Rs.1,95,000/-	Rs.2,00,000	Rs.5000 spent less than valuation.
4.	Water tap connection no.3	Rs.1,96,000/-	Rs.2,00,000	Rs.4000/- spent less than valuation.
5.	Water tap connection no.4	Rs.1,98,500/-	Rs.2,00,000	Rs.1500 spent less than valuation.
6.	Underground Gutter	Rs.2,50,000/-	Rs.2,29,204/-	Rs.20,796/-
7.	Underground Gutter No.3	Rs.1,65,000/-	Rs1,65,000	...
8.	Village Tank Repairing	Rs.1,57,000/-	Rs.57,107/-	Rs.107 spent less than valuation
9.	Total			Rs.30,452/- spent less than valuation.

5] *The learned counsel for the applicant points out the audit report, which is at Page Nos.31 and 32 of the application and submits that there is mention about the sanction of the work and the auditor has also approved the said work. He further submits that considering the said fact, the applicant has not committed any misappropriation.*

6] *Per contra, the learned APP, on verification, found those works were carried but the work done is more than the sanctioned amount and thus loss caused to the panchayat. The learned APP submits that in the event, this Court grants interim protection in favour of the applicant, he be directed to attend the concerned police station and to co-operate with the investigation.*

7] *Considering submission of the applicant and the APP, prima facie this Court is of the view that the audit report has noted the sanctions granted for the project and thus the FIR is based on an incorrect assumption that the works are not sanctioned and thus the applicant is granted interim protection in the following terms....."*

4. The learned counsel for the applicant submits that, in pursuance of the order dated 18/03/2025, the applicant has attended the police station and cooperated with the investigation. There is no doubt regarding the applicant's attendance at the police station.

5. Considering the applicant's cooperation with the investigation and the absence of any further material brought on record against the applicant, custodial interrogation is not necessary. Accordingly, the interim order passed on 18/03/2025 is confirmed.

6. In view of the above, the application is allowed in the following

terms:-

- i] In the event the applicant is arrested in connection with FIR No.16/2025, dated 31/01/2025, registered at Nardana Police Station, Nardana, Tq. Shindhkheda, District Dhule, for the offences punishable under sections 406, 409, 420, 34 of Indian Penal Code, he shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- ii] The applicant shall attend the police station as and when called by the police.
- iii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.
- iv] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

7. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

8. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.