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

ANTICIPATORY BAIL APPLICATION NO. 1160 OF 2023
Ravindra Jagannath Lodh
VERSUS
The State Of Maharashtra And Another

WITH ANTICIPATORY BAIL APPLICATION NO. 1497 OF 2023
Vishwanath Dnyaneshwar Raut
VERSUS
The State Of Maharashtra

Mr. S. S. Jadhavar, Advocate for Applicant
Mr. B. A. Shinde, APP for Respondent/State
Ms. S. V. Salunke, Advocate for Applicant in ABA No. 1497/2023

CORAM : R. M. JOSHI, J.
DATE : 06th March, 2025

PER COURT :-

1. This motion is moved for speaking to minutes of order dated 06.02.2025. Though, on 06.02.2025, Anticipatory Bail Application No. 1160/2023 is disposed of, inadvertently, Anticipatory Bail Application No. 1497/2023 is wrongly mentioned in title clause.

2. This being inadvertent error. Necessary corrections be carried out and corrected order be uploaded.

(R. M. JOSHI, J.)

bsj

(This order is corrected pursuant to speaking to minutes of order dated 06.03.2025)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1160 OF 2023

Ravindra Jagannath Lodh

VERSUS

The State Of Maharashtra And Another

Mr. S. S. Jadhavar, Advocate for Applicant
Mr. B. A. Shinde, APP for Respondent/State

CORAM : R. M. JOSHI, J.

DATE : 06th February, 2025

PER COURT :-

1. Applicant is a government servant, Assistant Account Officer, Panchayat Samiti, Osmanabad. He apprehends arrest in connection with Crime No. 0189 of 2023 registered with Anandnagar Police Station, Dist. Osmanabad for the offences punishable under Section 420, 409 r/w 34 of Indian Penal Code.

2. First Information Report is lodged by Assistant Administrative Officer, Panchayat Samiti, Osmanabad alleging that in the work of Sock-Pits at villages Khed, Medshinga, Upala, Dhoki and Bembli, there was misappropriation committed by Block Development Officer (BDO), Assistant Account Officer (present applicant) and Clerk cum Data Entry Operator to the tune of Rs. 1,12,28,936/-. The First Information Report reveals that these three accused persons in collusion with each other have misappropriated the said amount by showing false record in respect

of the work allegedly done. There is further averment in the First Information Report that an enquiry was done into the said allegation and the liability of the amount of misappropriation is also fixed upon these persons independently. Such fixation of liability was done on 26.09.2022.

3. Learned counsel for the applicant submits that applicant is a government servant and pursuant to the orders passed by this Court has appeared before the Investigating Officer. It is his submission that part amount has been paid by the applicant from the liability fixed against him in the said enquiry. It is his contention that the BDO who was responsible for the preparation of the record has been granted anticipatory bail and hence the applicant also deserves bail. He claims that applicant is not likely to absconded.

4. Learned APP opposed the application by pointing out that the applicant is prone to commission of such crime and in support thereof he has drawn attention of the Court to the previous crime registered against him. It is his submission that the public money is misappropriated in such manner. It is his further submission that the appearance of the applicant under the protection of interim order of this Court does not enable the Investigating Agency to carry out appropriate custodial interrogation. It is his submission that having regard to the nature of offence and since huge public money is involved therein, it is absolutely

necessary that the custodial interrogation of the applicant is done in order to ascertain the involvement of others including BDO in this crime. It is his submission that merely because BDO granted bail by Sessions Court that *ipso facto* does not mean to the grant of pre-arrest bail to the applicant herein.

5. Perusal of the First Information Report indicates that not only there is allegation against the applicant of misappropriation, but during enquiry all concerns were found to have committed misappropriation and liability is also fixed against BDO, present applicant and co-accused. The said liability has been fixed in September, 2022. Admittedly, there is no challenge made by present applicant to the said findings. Thus, there is reason to believe that there is involvement of the present applicant in this crime and that public money has been misappropriated.

6. It is pertinent to note that the applicant is the one without whose digital signature, no money can be misappropriated. Though, now it is sought to be argued on behalf of the applicant that the co-accused has misused the said digital signature, this Court does not find substance therein, in view of specific directions issued by the State Government with regard to the manner in which digital signature is to be used by the concerned person. It is also informed in no uncertain terms to all the concerned that the secrecy of the password and user name is absolutely

essential to be maintained and even in case of use of the password by someone else, the concern government servant was to be held responsible there for. In this case, failure on the part of the applicant to challenge the findings about fixing liability of the misappropriated amount on whom coupled with the fact that the digital signature of the applicant was used for the misappropriation, there is *prima facie* evidence showing his involvement in this crime.

7. There is often grievance made by the public at large that the government officers used corrupt practices and misappropriate the public money. Once, *prima facie*, evidence is found against the applicant showing his involvement in the crime, the Investigating Agency is justified in seeking custodial interrogation without protection of interim order of this Court in order to ascertain all culprits in the crime. This Court also finds substance in the contention of the learned APP that merely because BDO has been granted bail by the Sessions Court and that there is no cancellation of the said bail is sought, that will not held the applicant to get pre-arrest bail as his involvement is apparent in this crime. Apart from this, admittedly, there is another crime registered against him bearing Crime No. 369 of 2022 prior to the registration of present First Information Report. This shows that applicant is prone of committing crime which involves embezzlement of public money to the huge extent. Hence, it is not a fit case for grant of anticipatory bail to the

applicant. Hence, application stands dismissed.

8. Learned counsel for the applicant seeks continuation of the interim order for the period of 4 weeks. Learned APP opposed the said contention by pointing out that the interim relief was obtained by suppressing material fact that there was already a previous crime registered against applicant which is similar in nature. Apart from this, it is submitted that the said order was passed on *prima facie* consideration of the case and on the statement made across the bar by the learned counsel for the applicant.

9. Ordinarily, this Court would have continue the interim relief however, here in this case, this Court finds substance in the contention of the learned APP that the interim order was obtained by suppressing material fact of previous crime of similar nature being registered against him. In such circumstances, since the interim relief was obtained by suppression of the fact that applicant is not entitled to seek continuation thereof. For this reason, the request of continuation of interim relief stands rejected.

(R. M. JOSHI, J.)

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