

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3401 OF 2024**

Savita Jitendra Dhamanase ... Applicant
versus
The State of Maharashtra ... Respondent

Mr. Sagar Tambe with Mr. Nishant D. Mokal, for Applicant.
Mr. S.H.Yadav, APP for State.
PSI Rajhans Nagdive, Nagothane Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 6 JANUARY 2025

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.127 of 2023 registered at Nagothane Police Station for the offences punishable under Sections 406, 408 and 420 read with Section 34 of the Indian Penal Code, 1860.
3. At the outset, learned Counsel for the Applicant submits that the co-accused who are similarly circumstanced were granted pre-arrest bail by an order dated 2 September 2024 in ABA Nos.2854 of 2023 and connected matters. The applicant was also a member of the Village Panchayat. Thus, the applicant is entitled to the same dispensation.
4. While allowing the applications for pre-arrest bail of the co-accused, this Court has observed, inter alia, as under :

“11. Prima facie, there appears to be a distinction in the role attributed to the applicants and the persons who discharged the executive functions on behalf of the village panchayat. The mere fact that the applicants had participated in the meetings of the village panchayat and were parties to the resolutions to carry out developmental work may not, by itself, be sufficient to rope in the applicants by invoking the principle of constructive criminality. The first informant did not allege that the applicants had a role in either the execution of the work or in releasing the payment. In this view of the matter, the custodial interrogation of the applicants does not seem warranted.

12. At any rate, the offences under Sections 408 and 420 of the Penal Code, entail punishment which may extend to seven years. The Court would thus be justified in exercising the discretion in favour of the applicants.”

5. Learned APP fairly submitted that the principle of party will apply.

6. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) In the event of arrest in C.R.No.127 of 2023 registered with Nagothane Police Station, the applicant Savita Jitendra Dhamanse be released on bail on furnishing a P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(iii) The applicant shall co-operate with the investigation and attend Nagothane Police Station on 14 and 15 January 2025 in between 10.00 a.m. to 1.00 p.m., and thereafter, as and when directed by the Investigating Officer.

(iv) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for pre-arrest bail only.

Application disposed.

(N.J.JAMADAR, J.)