

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.685 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.1951 OF 2017

Jayashree Nawal Sawala .. Applicant
Versus
State Of Maharashtra .. Respondent

-
- Ms. Lisa Das, Advocate for Applicant.
 - Ms. Sangeeta E. Phad, APP for Respondent.
-

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 08, 2025

P.C.:

1. Heard Ms. Das, learned Advocate for Applicant and Ms. Phad, learned APP for Respondent.

2. The present Application is filed by Applicant seeking withdrawal of the amount of Rs.6,25,000/- deposited by Applicant in the Registry of this Court pursuant to four orders passed by this Court dated 29.11.2017, 24.01.2018, 08.03.2018 and 21.11.2018 in Anticipatory Bail Application No.1951 of 2017.

3. Applicant was constrained to approach this Court for seeking Anticipatory Bail in respect of First Information Report No.77 of 2017 (for short '**FIR**'), registered against the Applicant and one of her colleague Gram Sevak for committing offences under Sections 420, 409 read with Section 34 of the Indian Penal Code, 1860 at the

instance of Block Development Officer, Panchyat Samiti, Malegaon alleging that the two Accused persons misappropriated the amount of Rs.12,73,917/- in respect of seven development works which were carried out by Vadner Gram Panchayat.

4. Admittedly Applicant and her colleague both were working as Gram Sevaks in the Panchayat Samiti Office of Vadner Gram Panchayat. Incidentally, Applicant was also holding additional charge of Gram Vikas Adhikari. Thus as part of her duty, she was required to prepare the Minutes of Meetings of the Panchyat Samiti, take instructions from office bearers of the Panchayat Samiti, enter into correspondence with respect to Resolutions passed by Samiti, maintain all office record of the works undertaken, maintain accounts and implement the decisions and instructions from the BDO.

5. Charge against her recorded in the FIR is that she and her colleague who was also a Gram Sevak, both misappropriated an amount of Rs.12,73,917/- regarding seven development works. Record shows that seven development works were infact carried out. However there are no specifics given in the FIR neither it is so *prima facie* shown in the case of prosecution. It is not a case where Applicant has misappropriated her position as Gram Sevak and withdrawn the money from the bank account and misappropriated the same. Money which has been retrieved from bank account was given to various

vendors who carried out the development works under the aegis of Vadner Gram Panchayat pursuant to Resolutions passed by the Panchayat Samiti.

6. *Prima facie*, record shows that carrying out of seven development works under Vadner Gram Panchayat was not taken kindly by Gram Panchayat of Malegaon as there was an on going feud between the Sarpanch of Vadner and Sarpanch of Malegaon as also the local people's representative (MLA) who belonged to a rival political party.

7. Charges made Vadner Gram Panchayat were for not calling upon appropriate Valuation Reports in respect of the seven development works which were undertaken. Record also shows that though Vadner Gram Panchayat had infact called for Valuation Reports, the same were cancelled by the Panchayat Samiti due to interference by the rival political group.

8. As a result of this, charges of misappropriation of Rs.12,73,917/- was made against the Gram Panchayat and Applicant alongwith her colleague both Gram Sevaks were framed as Accused persons for misappropriation of the development work funds.

9. *Prima facie*, on the basis of the above facts, Applicant has made out a strong *prima facie* case in the present Application. Court in the year 2017 at the time of hearing her Anticipatory Bail Application

directed her to show her *bonafides*. Applicant promptly deposited an amount of Rs.6,25,000/- in the Registry of this Court over a period of time in four installments.

10. Case of Applicant before me is that she is in financial penury as the said amount was infact borrowed by her from her friends and relatives and she is finding it extremely difficult today to meet her day to day expenses as also because of the pressure of returning the said borrowings.

11. It is seen that before Applicant was granted Anticipatory Bail, matter was heard by this Court at length on four different occasions and four different orders were passed pursuant to which Applicant deposited the total amount of Rs.6,25,000/- intermittently depending upon whatever monies she could accumulate during that period.

12. Record clearly shows that this is a case where charge and allegation is on the basis of undervaluation of the development works which were undertaken despite Valuation Report being available and having been rejected, but specific role of Gram Sevak in such a case has not been spelt out. It is clear that Applicant is a victim of the cross-fire between political parties where Sarpanch of Vadner village and the local elected people's representative (MLA) belong to two different political parties.

13. Be that as it may, for the reasons stated in the Application

and more specifically paragraph Nos.19 and 20 of the Application and after hearing detailed submissions made by Ms. Das and rebuttal by the learned APP Ms. Phad, I am of the opinion that the present Application deserves to be allowed.

14. The Interim Application is therefore allowed in terms of prayer clause (a) which reads thus:-

“a. This Hon’ble Court may be pleased to pass an Order and direct the Registry of this Hon’ble Court to forthwith and immediately release the amount of Rs.6,25,000/- deposited by the Applicant, in the Registry of this Hon’ble Court in pursuance of orders dated 29.11.2017, 24.01.2018, 08.03.2018 and 21.11.2018 passed by this Hon’ble Court.”

15. Registry of this Court is directed to return the amount of Rs.6,25,000/- alongwith all accrued interest thereon to Applicant within a period of two weeks from today positively on the basis of server copy of this order. Advocate for Applicant shall inform the details of bank account of Applicant to the Registry forthwith alongwith server copy of this order.

16. Under no circumstance, Registry shall delay the compliance of this order and ensure that it is complied with.

17. In the above terms, Interim Application is allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT
Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date: 2025.08.11
18:31:26 +0530