IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.1698 of 2025

Manisha Navnath Zol …... Applicant
Vs.
The State of Maharashtra …... Respondent.

Mr VM Thorat a/w MV Thorat for the applicant.
Mr Arfan Sait, APP for respondent/State.
API GA Kad, EOW, Solapur Rural.

Coram : R.N.Laddha, J.
Date : 25 June 2025.

P.C. :

The learned Counsel for the applicant submits that the FIR has been lodged with an inordinate and unexplained delay of nearly 8 years from the date of the alleged incident raising serious doubts about its credibility and bonafides. He further submits that the applicant has been implicated in the present case not on the basis of independent evidence or investigation, but merely due to collateral reasons. The applicant's husband had earlier filed a complaint against the present Sarpanch of the village, alleging that he is the father of three children and, therefore, stands disqualified from holding the elected post under the relevant norms. The implication of the applicant appears to be a retaliatory measure taken as a consequence of the said complaint.

2. The learned Counsel also points out that successive government audits conducted for the period from 2017 to 2022 have not revealed any financial irregularities. In fact, audit completion certificates were duly issued, indicating that no discrepancies were found. Furthermore, the Block Development Officer (BDO) has issued a work completion certificate, which substantiates that the work in question was executed in compliance with the applicable legal and procedural framework. It is also brought to the Court's attention that the sanction and approval of payments were granted by the concerned authority, and the funds were disbursed directly to the contractor. The prosecution's case is primarily based on documentary evidence, all of which is available with the investigating agency, and no custodial interrogation is required for its collection.

3. The learned Counsel further argues that as per Government Resolution (GR) dated 18 September 2019, only the Divisional Commissioner is vested with the

authority to initiate proceedings for registration of an FIR in such matters, and that too after conducting a proper and thorough inquiry. However, in the present case, the FIR has been registered based on the instructions of the Chief Executive Officer (CEO), Zilha Parishad, Solapur, who does not posses the requisite authority under the GR, thereby rendering the registration of the FIR procedurally flawed.

4. The learned Counsel further submits that the applicant has not derived any personal benefit or undue gain from the alleged transaction and is not a beneficiary of the amount in question. Therefore, the essential ingredients necessary to attract the offences under Sections 420, 406, 409 of the Indian Penal Code are not satisfied. He further submits that, without prejudice to the above submissions and solely to demonstrate her *bona fides* and cooperative attitude towards the investigation, the applicant is willing to deposit the amount allegedly attributed to her, along with applicable bank interest.

5. The learned APP seeks time to obtain necessary instructions from the investigating officer.

6. Till the next date of the hearing, there shall be no coercive action taken against the applicant.

7. In the meantime, the applicant shall deposit the amount, as proposed, and shall cooperate with the investigation by appearing before the investigating officer as and when required.

8. By consent stand over to **30 July 2025.**

[R. N. Laddha, J.]