

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Anticipatory Bail Application No.1865 of 2025

Ramesh Ganpat Gadekar ... Applicant

versus

The State of Maharashtra ... Respondent

Mr MV Thorat, for the applicant.

Mr Anand Shalgaonkar, APP, for the respondent/ State.

Coram: R.N. Laddha, J.

Date: 9 July 2025.

P.C.:

. The learned Counsel for the applicant submits that the FIR has been lodged after an extraordinary and unexplained delay of nearly 8 years from the date of the alleged incident. This prolonged and unjustified delay, according to the learned Counsel, seriously undermines the credibility of the prosecution's case and raises significant doubts regarding the *bona fides* of the complainant's allegations. The learned Counsel submits that the applicant's implication in the present case appears to be driven not by any investigative findings or concrete evidence but rather due to extraneous and collateral considerations, thereby casting further doubt on the legitimacy

of the prosecution's actions.

2. The learned Counsel draws attention to the fact that multiple government audits were conducted covering the relevant period between 2017 and 2022. These audits, carried out by competent authorities, did not reveal any financial irregularities or misconduct. In fact, audit completion certificates were duly issued, affirming that all financial and administrative procedures were followed and no discrepancies were observed. Furthermore, a work completion certificate has been issued by the Block Development Officer, which clearly demonstrates that the work in question was carried out in accordance with applicable legal and procedural norms. The learned Counsel emphasise that all payments were duly sanctioned and approved by the competent authority, and the funds were directly disbursed to the contractor without any involvement of the applicant in the disbursement process. The learned Counsel further argues that the prosecution's case rests entirely on documentary evidence, all of which is already in possession of the investigating agency. Therefore, custodial interrogation of the applicant is neither necessary nor justified for the purpose of collecting evidence.

3. The learned Counsel further submits that, as per

the Government Resolution (GR) dated 18 September 2019, only the Divisional Commissioner is vested with the authority to initiate the process for registration of an FIR in cases of this nature. Even then, such action must be preceded by a comprehensive and duly conducted enquiry. However, in the present case, the FIR has been registered on the directions of the Chief Executive Officer, Zilha Parishad, Solapur, an authority who, as per the provisions of the aforementioned GR, lacks the requisite jurisdiction to do so. According to the learned Counsel, the registration of the FIR as such is procedurally flawed.

4. The learned Counsel submits that the applicant has neither derived any personal benefit nor received any undue financial gain from the transaction in question. He is not a beneficiary of the funds alleged to have been misappropriated. The essential ingredients necessary to constitute offences under Sections 420, 406, 409 of the Indian Penal Code are entirely absent in the present case. He further submits that the applicant to show his *bona fides* is willing to deposit the amount allegedly attributed to him, along with applicable bank interest.

5. The learned APP seeks time to obtain necessary

instructions from the Investigating Officer. 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. Till the next date of hearing, there shall not be any coercive action against the applicant in the present crime.

6. By consent, stand over to **30 July 2025**. To be placed along with ABA No.1698 of 2025.

(R.N. Laddha, J.)