

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

Anticipatory Bail Application No. 2227 of 2025

Ramdas Shivram @ Shivaji Undre and Anr. ... Applicants
versus

The State of Maharashtra ...Respondent

Mr Tejas Sanjay Pawar, for the Applicants.

Mr S M Mangaonkar, APP, for Respondent / State.

Mr Sandeep Phatak, for the Intervenor.

Mr Vinayak Damodar Ahire, Wagholi Police Station, Pune City,
is present.

Coram: R.N. Laddha, J.

Date: 8 August 2025

P.C.:

. The learned Counsel appearing on behalf of the applicants submits that the Gramsevak, who is the lawful custodian of the records pertaining to the Grampanchayat, has not been impleaded as accused person in the present case. However, the applicants, who were merely functioned as a subordinate staff, specifically, a Clerk who is alleged to have merely recorded the proceedings at the instance and under the directions of the Gramsevak, the Sarpanch, and a Peon have been unnecessarily and unjustly arrayed as accused, despite having no direct or independent involvement in the commission of the alleged offence. Such an inclusion of the applicants, in the absence of

any overt act or *mens rea* attributable to them, is not only untenable in law but also amounts to a gross misuse of the process of law.

2. The learned APP, on instructions from the Investigating Officer present in the Court, informs the Court that the prosecution is in the process of making the Gramsevak as an accused in this case.

3. Mr. Sandeep Phatak, the learned Counsel appears on behalf of first informant and seeks time to file intervention application. The learned APP also seeks time to take further instructions.

4. By consent, stand over to 4 September 2025. There shall not be any coercive action against the applicants in the present crime till the next date.

(R.N. Laddha, J.)