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

ANTICIPATORY BAIL APPLICATION NO. 2701 OF 2025

Vaibhav Patil	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Gaurav Parkar a/w Mr. Atharva Jagtap, for the applicant.

Mr. Sagar Agarkar, APP for respondent – State.

Mr. S.S. Kedar, API, Uran Police Station.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 30, 2025

P.C.:

1. The applicant has approached this Court under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), seeking pre-arrest bail. The apprehension of arrest arises from Crime Register No. 11 of 2025 registered with Uran Police Station for offence punishable under Section 409 of the Indian Penal Code, 1860.

2. The prosecution case in short is that the informant, who is working as Rural Development Officer, received several complaints alleging financial irregularities and misappropriation committed by the applicant. Acting upon these complaints, the informant approached Uran Police Station and lodged the present report, leading to registration of the crime.

3. In the year 2021, the applicant was deputed as Village Development Officer of Gram Panchayat, Bandhpada. During his tenure, the applicant effected several cash withdrawals from the official bank account of the Panchayat. It is specifically alleged that between 23 December 2021 and 28 February 2022, the applicant withdrew a total amount of Rs. 10,15,000/-. The withdrawals were shown to be for sewage and drain cleaning work within the village.

4. Under the Maharashtra Village Panchayats Act and the rules made thereunder, Gram Panchayat members and officers are not permitted to make financial transactions in cash. All disbursements and payments towards vendors, service providers, labourers and other third parties must be made only through banking channels, preferably by cheque. The withdrawals and use of cash by the applicant are thus in breach of the binding financial procedure laid down by law.

5. It is further alleged that between 1 December 2020 and 31 March 2021, when the applicant was posted as Village Development Officer of Gram Panchayat, Chanje, he collected house tax of Rs. 24,29,002/-. He was duty-bound to deposit the full collection in the Gram Panchayat's official bank account. However, the applicant failed to deposit Rs. 9,42,201/-.

6. During his posting at Village Chanje, the applicant also collected water tax of Rs. 88,950/-. This amount too was not deposited in the Gram Panchayat's account.

7. Between 22 January 2019 and 5 July 2022, the applicant was posted as Village Development Officer of Gram Panchayat, Kegaon. In July 2019, the Panchayat auctioned obsolete pipes for Rs. 18,00,000/-. Out of this, the auction purchaser paid Rs. 14,10,933/-. In July 2021, the applicant himself paid the balance of Rs. 3,97,899/- in cash. Payment of such a large amount in cash, and the applicant's direct involvement in settling the balance proceeds, raises suspicion of irregularity and requires inquiry into possible misappropriation.

8. In view of these facts, the informant approached Uran Police Station and lodged the present FIR for offence under Section 409 of IPC.

9. The learned Advocate for the applicant relied upon the Audit Report and the allegations in the FIR to submit that the prosecution case is essentially that the applicant withdrew money in cash and used it for Gram Panchayat works without following the prescribed procedure.

10. He argued that there is no allegation that the applicant personally misappropriated or pocketed the money, or that the money was not spent on Gram Panchayat purposes. He submitted that even in the statutory audit, no fault was found with the applicant's conduct in relation to the transactions in question. On this basis, he contended that the applicant deserves protection from arrest.

11. On the other hand, the learned APP opposed the application. He submitted that a departmental inquiry conducted by the

competent authority has held the applicant liable for the amounts mentioned in the report. The inquiry concludes that part of the amount withdrawn has not been accounted for. He therefore submitted that prima facie, ingredients of offence under Section 409 IPC are made out.

12. Having considered the rival submissions and material placed on record, it is evident that the allegations mainly relate to mode of handling Panchayat funds. The primary accusation is that instead of following the mandatory financial procedure, the applicant withdrew and disbursed cash. There is no clear material at this stage to show that the applicant diverted funds for his personal use or pecuniary gain. The statutory audit, which has independent sanctity, has not recorded misappropriation in respect of the transactions under scrutiny. The departmental inquiry report, though relied upon by the prosecution, is subject to challenge and is yet to attain finality.

13. It is settled law that pre-arrest bail can be granted when custodial interrogation is not essential and when protection of liberty will not prejudice investigation. The present case is based largely on documentary evidence such as cash withdrawal entries, Panchayat records, and audit statements. These are already in possession of the authorities. The prosecution has not demonstrated how further custodial interrogation of the applicant is indispensable for collection of evidence.

14. The Court cannot overlook that the applicant is a public servant who handled funds in official capacity. The transactions are

traceable, recorded in Panchayat accounts, and subject to audit and departmental scrutiny. In such circumstances, continued custodial threat would amount to punishment before trial. The object of pre-arrest bail is to protect liberty against unnecessary harassment, while ensuring cooperation with investigation.

15. In view of the above, this Court is satisfied that the applicant has made out a case for grant of pre-arrest bail. Safeguards can be imposed to secure the interest of investigation.

16. Hence, following order is passed:

(a) The application is allowed.

(b) In the event of arrest of the applicant in connection with Crime Register No. 11 of 2025 registered with Uran Police Station, for offences punishable under Section 409 of IPC, the applicant shall be released on bail on furnishing a personal bond of Rs. 25,000 with one or more sureties in the like amount.

(c) The applicant shall attend the concerned police station on 3rd October, 6th October, 8th October of 2025 at 10:30 a.m., and thereafter, as and when called by the Investigating Officer and shall cooperate with the investigation.

(d) The applicant shall not directly or indirectly induce, threaten, or promise any person acquainted with the facts of the case, nor shall he tamper with the prosecution evidence.

(e) The applicant shall inform the Investigating Officer about

his residential address and mobile number, and shall not change the same without prior intimation.

(f) The applicant shall not leave India without prior permission of the trial Court.

(AMIT BORKAR, J.)