



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 16 OF 2025

Radheshyam Kunlik Ghuge Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Harshwardhan Chawhan, counsel for applicant.
Mrs. Swati Kolhe, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 11/02/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No.533/2024 registered with Police Station Malegaon, District Washim for the offence punishable under Section 409 read with Section 34 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of a report lodged by Yadav Yashwant Palaskar, who works as an Extension Officer of the Panchayat Samiti, Malegaon, and the applicant is working as a Sarpanch. It is alleged that during the course of his tenure, he has misappropriated the amount of Rs. 5,34,906/- by way of implementing the various schemes illegally and unauthorisedly. On the basis of said report, police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant, who submitted that earlier bail application was withdrawn, as there were no instructions with him at the relevant time. Now, the

other co-accused is already released on anticipatory bail by this Court by appreciating this fact, and therefore, on similar grounds, the applicant is seeking anticipatory bail.

4. He further pointed out that allegation against the present applicant and other co-accused is that they have not purchased the articles, which are not required for the Gram Panchayat, Ridhora, by using the GEM portal. But the concerned Gram Panchayat, Ridhora, is not registered on the GEM Portal, and therefore, the allegation that the applicant and other co-accused have misappropriated the amount appears to be baseless.

5. He further submitted that the other allegation is that the amount of cheque of Rs.90,000/- is misappropriated by the present applicant and the other co-accused, but the co-accused has already deposited the said amount, and therefore, the custodial interrogation of the present applicant is not required.

6. Learned APP strongly opposed said application and submitted that the involvement of the present applicant as well as other co-accused is revealed during the investigation. The present applicant and other co-accused have misappropriated the amount therefore, custodial interrogation is required and the application deserves to be rejected.

7. After hearing both sides and on perusal of the investigation papers, it reveals that Gram Panchayat, Ridhora was not at all registered on the GEM Portal, and therefore articles are not purchased by using GEM Portal. Therefore, as

far as the allegation as to the incurring the expenses unauthorisedly is concerned, appears to be doubtful. The allegation regarding the misappropriation of the amount of Rs.90,000/- is concerned, the co-accused has already deposited the amount. Considering all these facts, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- a] The criminal application is **allowed**.
- b] In the event of arrest, the applicant - ***Radheshyam Kunlik Ghuge*** in connection with Crime No.533/2024 registered with Police Station, Malegaon, District Washim for the offence punishable under Section 409 read with Section 34 of the Indian Penal Code, shall be released on anticipatory bail on executing PR. Bond of Rs.25,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the concerned Police Station once in a week i.e. on Monday between 10.00 a.m. to 1.00 p.m. till filing of the charge-sheet, and shall cooperate with the investigating agency.
- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of

the case, either personally or by way of electronic media.

8. The criminal application is **disposed of** accordingly.

[URMILA JOSHI-PHALKE, J.]