



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

CRIMINAL APPLICATION (ABA) NO.67 OF 2025

Kiran Sachin Nagrare

Vs.

State of Maharashtra, through its Police Inspector, Police Station,
Beltarodi, District Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. W. Sambre, Counsel for the applicant.
Ms. Sneha Dhote, APP for the non-applicant / State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 03/03/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.666/2024 registered with Police Station, Beltarodi, District Nagpur for the offence punishable under Sections 316(5), 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of grant of bail in the event of his arrest.

2. Heard learned Counsel for the applicant who submitted that the crime is registered on the basis of report lodged by the Development Officer, Grampanchayat, on an allegation that he has received the complaint of Deputy Sarpanch and other seven members which was filed before the Deputy Chief Officer, Zilla Parishad, Nagpur as to the misappropriation of funds. Accordingly, the

committee was formed and after conducting a thorough inquiry by the inquiry committee, a report was submitted and on perusal of the said report, the Deputy Chief Executive Officer has authorized the complainant to initiate the criminal proceedings against the accused persons and accordingly, filed the complaint. As per the allegations that the present applicant and co-accused in collusion with each other had misappropriated the funds of Grampanchayat to the tune of Rs.1,19,67,953/-. The complainant has stated in detail the misappropriations in the First Information Report. He submitted that on perusal of the investigation papers it reveals that for purchasing the stationary and other articles e-tendering process was followed. E-tendering process was followed by passing a resolution in the Gramsabha. As far as the allegation against the present applicant is concerned, which is only to the extent that she has not taken entry in the cash book about the purchase of the said articles. Except that there is no material to connect the present applicant to show that either she has obtained any pecuniary benefits or she has received any amount in her account. As far as the amount is concerned, which is in the bank account maintained in the name of the Secretary of the said Grampanchayat and he is the authorized signatory to withdraw the amount from the bank account. Thus, he submitted that considering the fact that except the allegation that she has not taken the entry. Nothing

is on record to show that the present applicant has either economic gain or any monetary benefits by committing such offence and thus custodial interrogation of the present applicant is not required. In view of that she be protected by granting anticipatory bail.

3. Learned APP strongly opposed the said application and invited my attention towards the recitals of the FIR as well as various statements of the witnesses and submitted that from the statements of the witnesses it reveals that no confidence motion was initiated against the present applicant and she was removed as a Sarpanch of the said Grampanchayat. She submitted that the investigation is at the initial stage, custodial interrogation of the present applicant is required to ascertain the facts as to the misappropriation of the huge amount, and therefore, the application deserves to be rejected.

4. On perusal of the recitals of the FIR and investigation papers, it reveals that the allegation against the present applicant is that she was working as Sarpanch of the said Grampanchayat and she has not obtained any permission from the Grampanchayat committee and processed the purchase of the various articles without taking entry in the cash book and thereby committed the fraud. On perusal of the investigation papers, it reveals that

one resolution was passed on 19.06.2024 for purchasing the said articles. The resolution bears the signature at the most 10 Grampanchayat members. The detailed resolution shows that it was decided to purchase the said articles through e-tendering. Accordingly, the e-tendering process was followed and the lowest bidder was selected. The communication on record sufficiently shows that as the lowest bidder namely Sanjay Pandey has not responded, and therefore, the articles were purchased from the next lowest bidder. The investigation papers further shows that the account is maintained in the name of Grampanchayat and the Secretary is the signatory and authorized him to either deposit or withdraw the amount. Some entries as to the withdrawal of the amounts are pointed out by the learned APP, but that entry shows that the amount was withdrawn as a self. Admittedly, the present applicant was not the signatory or the authorized person to withdraw the amount. The statements of the various witnesses also shows that the allegation is only to the extent that she has not taken the entry in the concerned register. Except that none of the statements discloses that either she has received any economic benefit or pecuniary gain by committing such offence. At this stage, there is no *prima facie* material to connect the present applicant with the allegation that she has misappropriated the amount, and therefore, the applicant has made out a case for grant of

anticipatory bail. Accordingly, I proceed to pass following order.:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest, in connection with Crime No.666/2024 registered with Police Station, Beltarodi, District Nagpur for the offence punishable under Sections 316(5), 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant **Kiran Sachin Nagrare** shall be released on anticipatory bail on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend the concerned Police Station twice in a week on Monday and Thursday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.
- (iv) The applicant shall not leave the jurisdiction of Nagpur District without prior permission of the Chief Judicial Magistrate, Nagpur.
- (v) The applicant shall furnish her detailed addresses along with the names and address of two relatives along with her address proof.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)