



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

CRIMINAL APPLICATION (ABA) NO.77 OF 2025

Ravindra s/o Gangadhar Tekade (Tekale)

Vs.

The State of Maharashtra, through PSO, PS Beltarodi, Nagpur City

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

Court's or Judge's orders

Mr. R.R. Vyas, Counsel for the applicant.

Mr. M.K. Pathan, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 12/03/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.666/2024 registered with Police Station Beltarodi District Nagpur City 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 bail in the event of his arrest.

2. The present applicant is a Gram Sevak in Gram Panchayat Panjari Budruk. The report is lodged by Development Officer, Gram Panchayat, Samiti, Nagpur on the basis of the said report the police have registered the crime against the present applicant. The allegation is made against present applicant as to the misappropriation of

funds which are allotted to the same Gram Panchayat and therefore, the inquiry was conducted by member of four inquiry committee and report was submitted. On perusal of the same report it revealed that the applicant has committed a misappropriation to the tune of Rs.1,19,67,953/- and therefore, crime is registered against the present applicant as well as Sarpanch of the said Gram Panchayat.

3. Heard learned Counsel for the applicant who submitted that Sarpanch co-accused is already released on bail by this Court in the event of her arrest. As far as the inquiry report is concerned, which only shows the irregularity and not the illegality. He also invited my attention towards the fact that there was resolution passed and in view of the resolution the work was allotted by the tender process. He submitted that one another allegation levelled is that the present applicant has not taken entries in the cash book. In fact present applicant has already taken the entries. Only grievance is that he has taken entries subsequently therefore, it may termed as irregularity not illegality. He submitted that as far as the withdrawal of the amount is concerned, both Sarpanch and the present applicant were authorized to withdraw. Therefore, only

responsibility is not on the present applicant but other co-accused also. But her bail application is already considered by this Court and considering the same, he be protected by granting pre-arrest bail. In support of his contention he referred Section 57 of the Maharashtra Village Panchayats Act, 1959 which deals with village fund and subsection (3) of the same deals that the Secretary and the Sarpanch shall be jointly responsible for the safe custody of the village fund, the Village Water Supply Fund and other moneys received on behalf of the panchayat, from time to time, and shall jointly operate them for the various purposes. He also refers the rules which also cast responsibility against sarpanch as well as secretary. Thus, he submitted that considering similarly role attributed to the present applicant on the ground of parity also the present applicant be released on anticipatory bail.

4. Learned APP for the State strongly opposed the said application and invited my attention towards the agreement which is executed between Sarpanch, the present applicant and Priya Construction wherein it is specifically mentioned that in view of the resolution the said tender is allotted to the said

Priya Construction. In fact the resolution was contrary to whatever mentioned in the said agreement. He has also invited my attention towards the said resolution also which states that the tender and entire tender process is cancelled and new tender process was directed to be floated. He also invited my attention towards the various communications and submitted that there are various complaints received against present applicant alleging the misappropriation of funds at various occasions by the present applicant. Thus, considering prima-facie material against the present applicant he has not made out case for grant of anticipatory bail.

5. On hearing both sides and on considering the entire investigation papers it reveals that after receipt of the complaint one committee of four members was constituted and that committee has conducted the inquiry. On perusal of the inquiry committee report it reveals that the allegations are against Sarpanch as well as Secretary as to various irregularities. It further reveals that though there was no resolution as to the further process of the tender process and contrary resolution was passed by the members of Gram Panchayat by referring the said resolution the tender was allotted to the Priya

Construction. From the said inquiry report it further reveals that though the amounts were shown to the incurred towards expenses of the various schemes. However, no entries are taken in the cash book. The inquiry committee has verified the said cash book and observed that there were no entries in the cash book as to the expenses incurred by the Gram Panchayat. Admittedly, taking entry is the work allotted to the present applicant. More over present applicant is government servant. Considering the various communication which is addressed to the Sarpanch alleging the misappropriation by the present applicant the inquiry report and the account statement which shows the involvement of the present applicant. The involvement of the present applicant is in an economic offence. The consideration for grant of anticipatory bail and consideration for grant of bail under Section 483 are different. At this stage the material which is collected during the investigation sufficiently shows the involvement of the present applicant with the alleged offence. His custodial interrogation is also required for the investigation purpose considering the huge misappropriation of the funds which are allotted to the Gram Panchayat.

6. In view of that the application deserves to be rejected. Accordingly, I proceed to pass following order.

7. The application is hereby rejected.

(URMILA JOSHI-PHALKE, J.)