



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

CRIMINAL APPLICATION (ABA) NO. 256 OF 2025

Vivek s/o Ankush Kumbhar 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. A.S. Manohar, counsel for applicant.

Mr. V.A.Thakre, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 07/05/2025.

1. Apprehending the arrest at the hands of police in connection Crime No. 222 of 2024 registered with Police Station Chamorshi, Tahsil and District Gadchiroli for the offence punishable under Sections 409, 420, 465, 468 and 471 read with Section 34 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. As per the allegations, the informant Murlidhar Bavane, Regional Manager, Ghot, District Gadchiroli, for the scheme under the Maharashtra State Cooperative Tribal Development Corporation for purchasing paddy in tribal areas on M.S.P, lodged a report stating that there was an agreement between the Tribal Development Corporation and Aadiwasi Vividh Karyakari Cooperative Society dated 27/12/2022 for the purchase of paddy on Maharashtra State Cooperative Tribal Development Corporation for the season 2022-2023. As per the scheme, the Government Agriculturist needs to register on the mobile application "MEMI". As per

registration, Aadiwasi Vividh Karyakari Cooperative Society had purchased paddy from the agriculturist. After purchase of paddy, the District Collector issued a Delivery Order (DO) to the rice miller on the basis of the bank guarantee submitted by the miller. As per Demand Order, the miller used to obtain delivery from the purchase centre and transport paddy for their rice mill. At the time of obtaining paddy, the miller is required to deposit (DO) and Transport Receipt (TP).

3. It is further alleged that, for the agriculture season 2022-2023, Aadiwasi Vividh Karyakari Cooperative Society Paavimuranda purchased paddy from the agriculturist of MSP, as per authorization of the Collector. A total of 22,611.30 quintals of paddy was purchased. Out of that paddy, 22090.08 quintals of paddy were disbursed for milling. However, M/s Laxmi Rice Mill, Tarodi, has not received 4,000 quintals of paddy as per DO No. 118822 dated 03/04/2023 from the Regional Manager, Shri Gajanan Kotalwar. The said fact was reported to the Regional Office. The inquiry was conducted in the said matter, and as per the inquiry report, 4,000 quintals of paddy were not received by the M/s Laxmi Rice Mill, Tarodi, and therefore, there is a violation of clause-6 of the agreement dated 27/12/2022. On verification of the weighbridge receipt submitted along with the DO, the Agriculture Produce Market Committee, Chamorshi, by its letter dated 08/12/2023, informed that the weighbridge receipt is a false and fabricated receipt. The signature and the stamp of the miller are also fabricated.

The documents are submitted by the present applicant to the regional office, and thereby cheated by the regional office. Out of a total purchase of 22,611.30 quintals of paddy, in fact 18,201.78 quintals of paddy were sent for milling, and the rest were misappropriated. On the basis of the said report, police have registered the crime against the present applicant.

4. Heard Mr. A.S. Manohar, learned counsel for the applicant, who invited my attention towards the inquiry report and submitted that the inquiry report itself is sufficient to exonerate the present applicant from the said land.

He submitted that the inquiry report itself shows that the present applicant has complied with the compliances which he was required to do, and the inquiry report completely exonerates him from any charges levelled against him.

He submitted that as far as the allegations against the present applicant is concerned, which are falsified by the said inquiry report, in view of that, he be released on anticipatory bail, as his custodial interrogation is not required.

5. Learned APP strongly opposed the said application and submitted that the investigation paper also itself revealed that the present applicant had prepared the forged Transfer Permit and DO receipt. The Laxmi Rice Mill on the verification stated that they have not received the product as

per DO No. 118822. A letter is received from the Laxmi Mill that they have not received paddy to the tune of 4,000 quintals.

It is further submitted that the applicant was in custody in connection with Crime No. 81/2024 for eight months, and during that relevant period, the investigating agency has not taken him into custody, and therefore, his custodial interrogation is required.

6. On hearing both sides and on perusal of the entire investigation papers, it reveals that regarding the said misappropriation, the inquiry was conducted by Deputy Regional Manager, and the conclusion which he has drawn specifically shows that the present applicant, who was at the relevant time in-charge of Deputy Regional Manager, has complied with the compliances that he was required to do. It further reveals that he has not made any dereliction in duty as far as the compliances are concerned. Considering the inquiry report, at this stage, the applicant has made out a case for grant of anticipatory bail, in view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- a] The criminal application is **allowed**.
- b] The applicant -Vivek s/o Ankush Kumbhar, shall be released on anticipatory bail, in connection with Crime No. 222 of 2024 registered with Police

Station Chamorshi, Tahsil and District Gadchiroli for the offence punishable under Sections 409, 420, 465, 468 and 471 read with Section 34 of the Indian Penal Code, 1860, on executing P.R. 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 on Monday between 10.00 a.m. to 1.00 p.m. 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.
- e] The applicant not leave the jurisdiction of the Gadchiroli District without prior permission of the District Court, Gadchiroli.
- f] The applicant shall furnish his detailed address along with the names of his two relatives and their address proof.
- g] The applicant shall also furnish his cell phone number and the cellphone number of his two relatives.

Criminal application is **disposed of** accordingly.

[URMILA JOSHI-PHALKE, J.]