



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.294 OF 2025
(Bhaurao s/o Asaram Chavan Vs. The 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. N.S. Jadhao, Advocate for the applicant.
Mr. V.A. Thakare, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MAY 9, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.270/2025 registered with Police Station Risod, District Washim for the offence punishable under Sections 409 and 420 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 report lodged by one Pandhari Chima Chavhan alleging that Gram Sevak Manvar and the present applicant who was incharge Sarpanch has committed the misappropriation of Rs.21,34,000/-. On the basis of the said report, committee was formed an enquiry came to be conducted by 3 men committee consisting Development Officer, Block Development Officer and Engineer of Panchayat Samiti Risod. They have directed Account Officer, Zilla Parishad Washim to submit report and they have conducted enquiry and found involvement of the present applicant in

misappropriation of amount. On the basis of the investigation carried out and in view of the report, the crime was registered against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the entire investigation is concerned, which revolves around the documentary evidence. The custodial interrogation of the present applicant is not required. He also submitted that it was the co-accused against whom the allegation is levelled, the enquiry report also nowhere connects the present applicant with the alleged offence. As far as, the custodial interrogation is concerned which is not required. In view of that, the applicant be protected by granting anticipatory bail.

4. Learned APP strongly opposed the application and submitted that during investigation, it revealed that the grants were given to the Gram Panchayat, Mandva under 15th Finance Commission for the development of the village under the scheme of PFMS. The entire responsibility was with the Gram Sevak and Sarpanch. The present applicant who was Sarpanch at the relevant time and the co-accused paid amount to various vendors during their tenure without carrying out the work and total amount of misappropriation is more than Rs.18,00,000/-. Entire material collected by the investigating agency in the form of enquiry report submitted by the Account Officer shows the involvement

of the present applicant in the alleged offence. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides. Perused the investigation papers from which it reveals that after receipt of the complaint application of the complainant, the due enquiry was conducted by 3 Officers committee which reveals that the present applicant was Sarpanch for the period from 01/02/2021 to 03/02/2022 and 05/05/2022 to 03/01/2023. The enquiry was conducted wherein it reveals that under the PFMS scheme, grant was given to the Gram Panchayat, Mandva under the 15th Finance Commission and they were under the obligation to carry out the work and make the payment recovery but without carrying out the work, the payment was made and there is a misappropriation of the Government grant. The statement of the material witnesses, especially the statement of Jitendra Ramchandra Manohar, Accounts Officer, shows that during his inquiry, it revealed to him that the present applicant and other co-accused who was Gram Sevak at the relevant time are involved in a misappropriation of amount of Rs.16,07,347/-. There are statements to the Junior Accounts Officer also. Thus, the enquiry report as well as these statements sufficiently shows the involvement of the present applicant in the alleged offence. Mere custody of the present applicant is not required for the investigation purpose, is not sufficient to release the applicant on bail.

6. While considering the application for anticipatory bail, the gravity of the offence, the nature of the offence, the involvement of the present applicant as well as whether there is any likelihood of tampering of the witnesses, or fleeing away from the court of justice, requires to be looked into.

7. Considering the involvement of the present applicant in a misappropriation of the government grants, the application for grant of anticipatory bail deserves to be rejected.

8. Hence, the application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)

**Divya*