



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

CRIMINAL APPLICATION (ABA) NO.305 OF 2025

(Natthu s/o Shamrao Nimje Vs. State of Maharashtra)

AND

CRIMINAL APPLICATION (ABA) NO.306 OF 2025

(Dnyaneshwar s/o Vithobaji Nehare Vs. State of Maharashtra)

AND

CRIMINAL APPLICATION (ABA) NO.330 OF 2025

(Sau. Anita w/o Babarao Pandit Vs. State of Maharashtra and anr.)

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

Court's or Judge's Order

Mr. M.I. Dhattrak, Advocate for the applicant in ABA No.305/2025
and ABA No.306/2025.

Mr. N.D. Anjankar, Advocate for the applicant in ABA No.330/2025.

Mr. A.J. Gohokar, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JULY 9, 2025.

Apprehending arrest at the hands of police in connection with Crime No.139/2025 registered with Police Station Koradi, District Nagpur for the offence punishable under Sections 316(5), 318(4), 336(3), 338, 340(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023, the applicants approached to this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by Gram panchayat Officer (Village Development Officer) of Gram panchayat Bokhara on an allegation that Nitin Waghdare, Mukesh Bighane and Ankit Kudawale were found to be misappropriated the government funds and the informant has noticed this misappropriation on 03/01/2025 or thereabout. After inspecting the record of the Gram panchayat, the informant has suspected that

there is a misappropriation of funds regarding the collection of taxes etc. Accordingly, the informant has reported the said misappropriation to his superior officer, i.e. Block Development Officer, Panchayat Samiti, Nagpur Smt. Rajnandini Bhagwat, who happens to be the Block Development Officer, after making a preliminary enquiry has sought a detailed inquiry from the Chief Executive Officer, Zilla Parishad, Nagpur. The Enquiry Committee has given its report on 17/03/2025 indicting the involvement of various employees of the Gram panchayat. The enquiry committee has found that the accused persons have printed three duplicate receipt books and collected the taxes from the residents without depositing the same in the Government Account and used for their own benefits. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicants submitted that as far as the involvement of the present applicants are concerned there is general allegations levelled against the present applicants in the FIR. They have also invited my attention towards the enquiry report and submitted that even the enquiry report nowhere discloses what is the exact role of the present applicants in the commission of the said misappropriation. They are protected by granting ad-interim protection. They have cooperated with the investigating agency and now their custodial interrogation is not required. In view of that, they be released on anticipatory bail.

4. Learned APP strongly opposed the applications and submitted that during investigation it revealed that the present applicants have prepared the forged receipt books and by using the said receipt books collected the taxes from the villagers and not deposited the same and thus, not only the villagers but the gram panchayat as well as the government is duped by the present applicants, and therefore, their custodial interrogation is required.

5. I have heard learned Counsel for both the sides. Perused the entire investigation papers as well as the enquiry report, it reveals that against some of the accused there is a specific allegations that the accused namely – Ankit Kudawale, Nitin Waghdare, Mukesh Bighane and Sanjay Wankhede are involved in the said misappropriation of Rs.40,36,085/-. As far as the present applicants are concerned, the entire investigation papers except the allegation there is no material collected during the investigation to show the involvement of the applicants in the misappropriation. In view of that, the applicants have made out a case for grant of anticipatory bail. Accordingly, I proceed to pass the following order:

(i) All the applications are allowed.

(ii) In the event of the arrest, the applicants namely - Natthu s/o Shamrao Nimje, Dnyaneshwar s/o Vithobaji Nehare, Sau. Anita w/o Babarao Pandit in connection with Crime No.139/2025 registered with

Police Station Koradi, District Nagpur for the offence punishable under Sections 316(5), 318(4), 336(3), 338, 340(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023, be released on anticipatory bail, on executing P.R. Bond in the sum of Rs.25,000/- each with one solvent surety each in the like amount.

(iii) The applicants shall attend the concerned police station once in a week i.e. on every Monday between 10.00 AM and 1.00 PM, till filing of the charge-sheet and shall cooperate with the investigating agency.

(iv) The applicants 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.

(v) The applicants shall not leave the jurisdiction of Nagpur district without prior permission of the District Court, Nagpur.

(vi) The applicants shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.

6. The contravention of any of the condition would lead to the cancellation of bail.

7. The applications are disposed of.

(URMILA JOSHI-PHALKE, J.)