



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

CRIMINAL APPLICATION (ABA) NO. 391 OF 2025

Murlidhar s/o Shankar Bawane 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. Mardikar, Senior Counsel with Mr. Saurabh Singha, counsel for applicant.
Mrs. Sneha Dhote, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/06/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No. 69/2025 registered with Police Station Kurkheda, District Gadchiroli for the offence punishable under Sections 316(5), 318(4), 3(5) of the Bhartiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of anticipatory bail.

2. The crime is registered on the basis of a report lodged by the informant Himmatrao Subhashs Sonwane, who was serving as a Sub-Regional Manager in MSCTDC Limited Armori, alleging that he visited the Paddy Purchase Centre, Deulgaon, on 29/03/2025 and found that the applicant, in collusion with the co-accused persons, misappropriated the amount by showing purchase of paddy during the year of 2023 and 2024 accordingly, the inquiry was ordered. During the inquiry, it was found that the quantity of paddy purchased and stored in the year 2023-24 at Adiwasi Vividh Karyakari Sahakari Sanstha, Deulgaon. The amount of said paddy was Rs.1,45,58,428/- and the

new SBT gunny bags had a difference of 7398 worth of Rs. 4,87,450/-. The total amount of misappropriation for the year 2023 to 2024 and 2024 to 2025 was of Rs. 3,96,65,965/-. It is alleged that the present applicant was under obligation to verify the stocks and to inspect from time to time and take the appropriate actions if any illegality is found, which he has not done. On the basis of the said report, police have registered the crime against the present applicant and other co-accused.

3. Heard learned Senior Counsel for the applicant, who submitted that present applicant is serving as Sub-Regional Manager of Maharashtra Cooperative Tribal Development Corporation. He submitted that, as to the alleged incident, the inquiry was initiated and a show cause notice was received, which was replied by the present applicant, and he has explained that he is not involved in the said misappropriation. He further submitted that the alleged misappropriation is after transportation of the said paddy to the Adiwasi Vividh Karyakari Sahakari Sanstha, Deulgaon for further process.

4. He also invited my attention towards the summary of the charge-sheet and submitted that the only allegation against the present applicant is that he has not acted as per the duty assigned to him and submitted that at the most, it would be dereliction in duty. As far as the investigation is concerned, there is nothing on record to show that present applicant either received any pecuniary gain or was directly

involved in the misappropriation of the said paddy. As far as the custodial interrogation is concerned, which is not required, in view of that, he be protected by granting anticipatory bail.

5. Learned APP strongly opposed the said application and submitted that it was the present applicant at whose instance the other co-accused had misappropriated the paddy and received the pecuniary gain. The statements of the co-accused discloses the involvement of the present applicant. It is not merely a dereliction of duty, but by hatching the conspiracy, the applicant has committed the said offence and obtained the pecuniary gain therefore, his custodial interrogation is required. In view of that, the application deserves to be rejected.

6. On hearing both sides and on perusal of the investigation papers, it reveals that present applicant is the Sub-Regional Manager in the Maharashtra Cooperative Tribal Development Corporation, which is under the direct control and management of the Adivasi Vividh Karykari Sahakari Sanstha, Deulgaon. The Adivasi Vividh Karykari Sahakari Sanstha, Deulgaon, had their own management to look after all the business of the Sanstha and also the marketing activities. After discrepancies were found during the inspection at the marketing centre of Adivasi Vividh Karyakari Sahakari Sanstha, Deulgaon, where paddy and grains were stored for further proceedings, the Regional Manager, Gadchiroli, issued a show cause notice to the

present applicant on 01/04/2025 regarding the transactions for the year 2023-2024. In the show cause notice, the charges against the applicant are as follows:-

- a] That the applicant being posted as Sub-Regional Manager, under whose jurisdiction the marketing centre falls, had willfully neglected the working of the centre.
- b] That, though there being a deficient stock with the marketing centre, the applicant had not informed the same to the senior officials of the applicant.
- c] That, though being directed to conduct a panchanama of the stock available with the centre for the marketing year 2023-24, the applicant had not conducted the same.
- d] The report produced along with the panchanama shows dispatch of paddy and grains to the rice millers, but still the applicant had shown the outward stock as zero.
- e] That, during the inspection of the alleged marketing centre, the applicant was directed to remain present at his workplace, but still the applicant was absent.
- f] That the used grains available and also the remaining grains available at the centre were not inspected.

g] At the marketing centre, there is a huge discrepancy in the new SBT grains.

h] That he, being in charge of the area by being a Sub-Regional Manager, had not been diligent enough and had acted in complete contravention of service rules.

The said notice is replied by the present applicant, and he has denied the charges and submitted that he had been diligent enough to counter the charges independently.

7. Thus, he submitted that even accepting the charges as it is, it can be at the most termed as dereliction in duty. As far as the allegation that his involvement in a misappropriation is concerned, the house search carried out by the investigating agency, nothing incriminating is found during the house search. Additionally, his bank account statements were collected during the investigation. Wherein also, nothing is found to connect the present applicant with the misappropriation. The statements of the witnesses also nowhere discloses the involvement of the present applicant, as far as the misappropriation is concerned. The entire submission of the learned APP is on the basis of the statements of the co-accused, which admittedly are not admissible. At this stage, considering the entire material collected during the investigation, the applicant has made out a case for grant of anticipatory bail. However, considering the nature of the transaction and the manner in which the offence is committed, some conditions

need to be imposed on the present applicant. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a] Criminal Application is **allowed**.
- b] In the event of arrest, in connection with Crime No. 69/2025 registered with Police Station Kurkheda, District Gadchiroli for the offence punishable under Sections 316(5), 318(4), 3(5) of the Bhartiya Nyaya Sanhita, 2023, the applicant – **Murlidhar s/o Shankar Bawane**, shall be released on anticipatory bail on executing P.R. Bond of Rs. 50,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the concerned police station twice in a week on Monday and Thursday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.
- d] The applicant shall not leave the jurisdiction of Gadchiroli District without prior permission of the District Court of Gadchiroli.
- e] The applicant shall surrender his passport if he is having.
- f] The applicant shall also place on record his mobile number and the names of his two relatives along with their addresses and address proof.

- g] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- h] The applicant shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.

Criminal application is **disposed of** accordingly.

[URMILA JOSHI-PHALKE, J.]