



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

CRIMINAL APPLICATION (BA) NO. 618 OF 2025

Baliram Ramdhan Rathod 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. M.N.Ali, counsel for applicant.

Mr. C.A. Lokhande, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 30/06/2025.

1. The applicant came to be arrested on 23/04/2025 in connection with Crime No.23/2025 registered with police station Jiwati, Taluka Jiwati, District Chandrapur for the offence punishable under Sections 409, 420 of the Indian Penal Code, 1860.

2. The crime is registered on the basis of a report lodged by one Rupali Mogarkar, Tahsildar, Jiwati, alleging that one of the co-accused, namely Pandurang Nandurkar, was serving in Tahsil Office as Assistant Revenue Officer during the period from 11/5/2023 to 29/12/2023. The said Pandurang Nandurkar has diverted the amount of Rs. 34,24,600/- in the account of the computer operator, namely Vikas Yelnare. The said fund was granted to the Tahsil Office, Jiwati, under Sanjay Gandhi Niradhar Anudan Yojana and Shrawan Bal Seva Rajya Nivrutti Yojana. Since the said transaction has been done illegally, an inquiry committee was formed to probe into the illegal transactions

done by the said Pandurang Nandurkar and deceased / accused Vikas Yelnare. The inquiry report shows that the said Vikas Yelnare has transferred the amount in various accounts and subsequently withdrawn the same. On the basis of the said report, police have registered the crime against the present applicant and the other co-accused.

3. Heard learned counsel for the applicant, who submitted that as far as the applicant is concerned, his name is not mentioned in the First Information Report (FIR). On the contrary, he is the victim, as his account number is used by the other co-accused. It was the other co-accused who has deposited the amount in the account of the present applicant, and the deceased/accused Vikas Yelnare has withdrawn the same. Thus, considering the nature of the evidence, the involvement of the applicant is not either in cheating or misappropriation of the public fund. Now, the investigation is already completed, and charge-sheet is yet to be filed, in view of that, the applicant be released on bail.

4. The learned APP strongly opposed the said application and submitted that the applicant is a part of a conspiracy, and in pursuance of the conspiracy, the public fund was misappropriated by the other co-accused, and the applicant is the beneficiary of the same. In view of that, the application deserves to be rejected.

5. On hearing both sides and on perusal of the entire investigation papers, it reveals that the other co-accused has transferred the amount in the account of the present

applicant, and the deceased/accused has withdrawn the same. Thus, from the entire investigation papers, it reveals that the account number of the present applicant is used. He is not the beneficiary of the said amount. Thus, considering the role attributed to the present applicant, his further incarceration is not required. The applicant has made out a case for grant of bail. Accordingly, I proceed to pass the following order.

- a] Criminal application is **allowed**.
- b] The applicant- ***Baliram Ramdhan Rathod*** shall be released on bail in connection with Crime No.23/2025 registered with police station Jiwati, Taluka Jiwati, District Chandrapur for the offence punishable under Sections 409, 420 of the Indian Penal Code, 1860, on executing PR. Bond of Rs. 50,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances.
- d] The applicant shall not leave the jurisdiction of Chandrapur District without prior permission of the Chief Judicial Magistrate, Chandrapur.

- e] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

Criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]