



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

CRIMINAL APPLICATION (BA) NO. 655 OF 2025

Manohar s/o Shankar Birelliwar 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. Madhur Deo, counsel for applicant.

Mr. Aditya Gohokar, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 11/07/2025.

1. The applicant came to be arrested on 08/03/2025 in connection with Crime No.42/2025 registered at Police Station Aheri, District Gadchiroli for the offence punishable under Section 316(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The informant, Vyankatrao Gopichand Vairagade, Inspector of Tahsil Office, Aheri, lodged a report against one Rajesh Devidas Takwale, Godown Manager, alleging that he was entrusted with the responsibility of the Government Godown Manager as a public servant and misappropriated 562.66 quintals of wheat at a cost of Rs. 2,850/- per quintal, worth of Rs. 16,03,581/- and 159 quintals of rice costing of Rs. 4,042/- per quintal, amounting to Rs. 6,42,678/-. Thus, total misappropriation was of Rs. 22,46,259/-.

3. As per the allegation, the said co-accused, Rajesh Devidas Takwale, has handed over the said

misappropriated wheat and rice to the accused, namely Mahesh Rambhau Kamble, and the other accused, namely Umakant Vishwanath Narule and Suraj Anandrao Zarli, who were the drivers of Anurag Transport, for selling the aforesaid goods. On the basis of the investigation, the informant of the other co-accused was also released. As far as the present applicant is concerned, his implication is on the basis of the statement of the co-accused.

4. Heard learned counsel for the applicant, who submitted that no property was entrusted to the present applicant. He is only the vendor. He is arrested merely on suspicion. As far as his role is concerned, except the statement of the co-accused, there is no material to connect the applicant with the alleged offence. Moreover, nothing is seized from the applicant. Now, the investigation is already completed, and the charge sheet is already filed, further incarceration of the applicant is not required. In view of that, he be protected by granting bail.

5. Learned APP strongly opposed the said application on the ground that during the investigation, the involvement of the present applicant was revealed, but he fairly submitted that as far as the recovery is concerned, nothing is on record, and except the statement of the co-accused, there is no other material collected during the investigation.

6. On hearing both sides and on perusal of the investigation papers, it reveals that the present applicant is a vendor, his implication is only on the basis of the statement of the co-accused. Admittedly, nothing is recovered from present applicant. There is no allegation that any property was entrusted with the applicant, and he has misappropriated the same. Thus, considering the nature of the evidence collected against the present applicant, he has made out a case for grant of bail. Accordingly, I proceed to pass the following order.

ORDER

- a] Criminal application is allowed.
- b] The applicant -***Manohar s/o Shankar Birelliwar***, shall be released on bail in connection with Crime No.42/2025 registered at Police Station Aheri, District Gadchiroli for the offence punishable under Section 316(5) of the Bharatiya Nyaya Sanhita, 2023, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall not induce, threat or promise any witnesses, who are acquainted with the facts of the case.

- d] The applicant shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.
- e] The applicant shall furnish his detail address along with the address proof before the trial Court.

Criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]