



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

CRIMINAL APPLICATION (ABA) NO.439/2025

Hirabai Neelamchand Pandhare

Vs.

The State of Maharashtra, through Police Station Incharge, Police Station Navegaon
Bandh, Tah. Arjuni/Mor, Dist. Gondia

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.S. Kalangiwala, Advocate for applicant through V.C.
Shri D.V. Chauhan, Senior Advocate/GP, a/w Ms Sneha Dhote, APP for respondent/State

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 10.07.2025

Apprehending the arrest at the hands of police in connection with Crime No.100/2025 registered with Police Station Navegaon Bandh, for the offence punishable under Section 318(4) of the Bhartiya Nyay Sanhita (BNS) Act, 2023, the applicant approached to this Court for grant of pre arrest bail.

2. Heard learned Counsel for applicant who submitted that the applicant took charge as Sarpanch of the Grampanchayat Navegaon Bandh, and immediately she has made a complaint to the Forest Officer i.e. Range Forest Officer, dated 16.02.2024 and she found some irregularities in the Vana Vyavastapan Samiti, of which she is the President. However, no cognizance was taken thereafter, she filed a complaint before the Magistrate also, and subsequently, only to implicate the present applicant in the alleged offence, the false FIR was lodged

against her. He submitted that as far as the custodial interrogation is concerned, which is not required as the entire investigation revolves around the documentary evidence.

3. Learned APP strongly opposed the said application and submitted that the report is lodged and primary investigation is carried out. One inquiry was also carried out, and in the said inquiry, a report was received and the applicant was found to be involved in the misappropriation of the amount. In view of that her custodial interrogation is required.

4. Heard learned Counsel for both the sides and on perusal of the recitals of the FIR and investigation papers, from which it reveals that the allegation against the present applicant is that she has not kept the accounts as a President of the Sanyukta Vana Vyavastapan Samiti, Navegaon Bandh. The documents which are attached along with the application shows that she has taken charge on 25.01.2024 and immediately on 26.02.2024, she made a complaint against the members of the said Committee. However, the Range Forest Officer has not taken cognizance of the same and has not investigated the matter, therefore, the present applicant has filed a complaint before the Judicial Magistrate First Class, Arjuni Mor and the said complaint is pending. Subsequently, this report is lodged against the present applicant.

5. There is a reference of various bills in the inquiry report. Thus, the entire investigation revolves

around the documents which are available to the investigating agency to investigate the matter. Considering all these aspects, the custodial interrogation of the present applicant is not required. In view of that the application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- (i) The application is allowed.
 - (ii) The interim protection granted to the present applicant by order dated 24.06.2025 is hereby confirmed subject to the condition that the applicant shall attend the concerned Police Station once in a week i.e. on every Sunday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency till filing of the charge-sheet.
 - (iii) The applicant shall not induce threat or promise any witnesses who are acquainted with the facts of the present case.
 - (iv) The applicant shall not leave the jurisdiction of Gondia District without prior permission of the District Court, Gondia.
6. The application is disposed of.

JUDGE

R.S. Sahare