



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

**CRIMINAL APPLICATION (ABA) NO. 613/2025**

Vishnu s/o. Raghunath Potbhare Vs. State of Maharashtra

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

Mr. A. M. Jaltare, Advocate for the Applicant.  
Mr. A. J. Gohokar, A.P.P. for the Non-applicant/State.

**CORAM : MRS.VRUSHALI V. JOSHI,J.**

**DATED : 26/09/2025.**

. Heard.

2. This is second anticipatory bail application filed by the applicant. The applicant has stated that there is change in circumstances as the earlier bail application is having similar role of other co-accused is not brought to the notice of the Court when the earlier order was passed. The applicant has exhausted the remedy before the trial Court. The trial Court has rejected the application and hence, this fresh application is filed by the applicant.

3. The applicant has apprehension of arrest in connection with Crime No.139/2025 registered at Police Station Koradi, District Nagpur for the offences punishable under Sections 316(5), 318(4), 336(3), 338, 340(2), 61(2) of the Bharatiya Nyaya Sanhita, 2023.

4. The case of the prosecution is that, on 20.03.2025, one Sunil Vijaykumar Joshi, who is the Gram Panchayat Officer (Village Development Officer) of Gram Panchayat Bokhara has lodged a report against the present applicant and the others for misappropriating the Government funds. On 03.01.2025, the misappropriation is noticed by the informant. After inspecting the record of

the Gram Panchayat, the informant has suspected that there is misappropriation of funds regarding the collection of taxes etc. Accordingly, the informant has reported the said misappropriation to his superior Officer Smt. Rajnandini Bhagwat and the preliminary enquiry was conducted. In the report of preliminary enquiry, it 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. Upon receipt of the said report, the non-applicant has set in motion the process of criminal law by registering an offence.

5. The learned Counsel for the applicant has stated that during the investigation, the involvement of the four clerks and twelve earlier Secretaries of Gram Panchayat, Bokhara and Ex-Sarpanch was found. The learned Counsel for the applicant has further stated that only because the applicant was in charge during the period when the misappropriation was done, his name is mentioned in the First Information Report. He has not committed any offence. The four clerks, who have actually committed the offence are behind the bar. The similar role attributed to the other Village Development Officers are already protected by the trial Court. The applicant has attributed the similar role, therefore, the ground of parity is available. Hence, prayed to release the applicant on bail.

6. The applicant has relied on the judgment of the Hon'ble Apex Court in the case of *Miss Harsh Sawhney Vs. Union Territory (Chandigarh Admn.)* reported in **(1978) 2 SCC 365**, wherein it has been held that while granting the

bail two grounds are required to be considered namely; the appellant's presence is necessary for making a search and recovery of certain documents. The applicant has stated that in this case, all the documents are already recovered. The custody of this applicant is not required and he is having roots in Maharashtra, if the stringent conditions are imposed, will serve the purpose. Hence, enlarge the applicant on bail.

7. The applicant has also relied on the judgment of the Hon'ble Apex Court in the case of *Babu Singh and Ors. Vs. State of U. P.* reported in **(1978) 1 SCC 579**, wherein it is held in paragraph No.1 as under :

*“(1) An order refusing an application for bail does not necessarily preclude another on a later occasion giving more materials, further developments and different considerations. While the Court should set store by the circumstance that the bail application was once rejected it cannot be said that the Court is barred from second consideration at a later stage.”*

8. The learned A.P.P. opposed the application stating that the trial Court has rejected the application on the ground that there is no change in circumstance. The parity is not available to this applicant as the applicants, who were protected by granting *ad interim* anticipatory bail, during that period the said misappropriation is not done, therefore, the bail was granted. It is not the case of this applicant. All forged bills bears the signature of this applicant. There is huge misappropriation and, therefore, the applicant is not entitled for anticipatory bail. Hence, prayed to reject the application.

9. Heard both the learned Counsel for the respective parties.

10. On going through the record it appears that the charge of forgery is there. The receipt books were forged. The huge amount is collected. The enquiry report shows that the signature of this applicant is on all the receipt books. The statements of witnesses show that the receipts which were collected, the witnesses have denied said documents as of their, which clearly shows that the forged receipts were prepared and the receipts bear the signature of this applicant. The involvement of this applicant is witnessed from the documents on record and the report of enquiry, therefore, the custodial interrogation of this applicant is necessary. Considering the *prima facie* involvement of the applicant in this crime, this is not a fit case to protect the applicant by granting anticipatory bail.

11. Hence, the application is rejected.

**(MRS. VRUSHALI V. JOSHI, J.)**