IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1100 OF 2026

Ashish Kaduba Kakade, ... Applicant
Age 31 years, Occu: Service,
R/o Chincholi-Limbaji, Tq. Kannad
District Chhatrapati Sambhajinagar

VERSUS

The State of Maharashtra, ... Respondent
Through Police Inspector, Pachora Police Station, Dist. Jalgaon

Mr. Satej S. Jadhav, Advocate for the Applicant
Mr. S. A. Gaikwad, APP for the State

CORAM : HITEN S. VENEGAVKAR, J.
Dated : 13th October, 2026

PER COURT :-

1. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeks regular bail in Crime No. 428 of 2025 registered with Pachora Police Station, District Jalgaon, for offences punishable under Sections 316(4), 316(5), 318(4), 335, 336(2), 336(3), 340(2), 3(5), 61(2)(a) and 238 of the Bharatiya Nyaya Sanhita, 2023. The applicant was arrested on 28 October 2025. Investigation concerning him is complete and the charge-sheet has been filed.

2. The prosecution alleges misappropriation of Government assistance meant for farmers whose crops were damaged by natural calamities. Amol Suresh Bhoi, then serving as Revenue Assistant in the

Tahsil Office, Pachora, was entrusted with collecting beneficiary particulars and uploading them on the e-Panchanama portal, for which he had access to the Tahsildar's user identification and password. It is alleged that particulars of genuine farmers were altered and names of ineligible persons were included, resulting in assistance being credited to their bank accounts. The irregularities were detected after farmers complained that their names appeared in the published list with different Aadhar particulars and that they had not received the assistance. The initial inquiry disclosed alleged misappropriation of Rs.1,20,13,517/-, which, upon further investigation, was stated to aggregate to Rs.2,05,41,735/-. The applicant, a Talathi, is alleged to have assisted the other accused in these transactions.

3. Learned counsel for the applicant submits that the applicant was initially appointed to the committee constituted to examine the discrepancies and that no irregularity concerning the beneficiary list of his own village is attributed to him. He submits that the applicant has been implicated principally because some account holders are his relatives and Vijay Dattatray Patil, alias Nitu Nana, worked as his private helper. Referring to the statements of Mohini Santosh Kakade, Santosh Kakade and other witnesses, the counsel submits that they describe Vijay Patil obtaining their Aadhar and bank particulars on the representation that his money would be received in their accounts and would have to be returned to him. They also describe handing over the withdrawn amounts to Vijay Patil. The learned Counsel relies upon

their statements concerning repayment to the Government and copies of repayment receipts. He submits that no diverted amount was credited to the applicant's account and that further detention is unnecessary after completion of investigation.

4. Learned APP opposes the application, submitting that several recipients were the applicant's close relatives residing outside Pachora Taluka and were not eligible for the assistance. The prosecution relies upon the applicant's association with Amol Bhoi, Vijay Patil's work as his private helper, and the role attributed to him in Vinod Kumawat's statement. Reliance is also placed upon the applicant's alleged involvement in getting the beneficiary list circulated on the official WhatsApp group deleted. It is submitted that these circumstances indicate concerted action and that the applicant may influence witnesses if released.

5. The allegations involve diversion of public funds intended for farmers affected by natural calamities and deserve serious consideration. Their gravity, however, must be assessed alongside the material concerning the applicant's individual role and the necessity of continued detention. In ***Arvind Dham vs. Directorate of Enforcement*, (2026) 7 Supreme Court Cases 330,** the Supreme Court reiterated that economic offences differ in their facts and degree of gravity and cannot be treated as a homogeneous category warranting blanket refusal of bail. The present application, therefore, requires consideration of its particular circumstances.

6. The account holders' statements referred to during the hearing describe Vijay Patil personally approaching them, obtaining their documents and receiving the money withdrawn from their accounts. Their acquaintance with him arose through his association with the applicant, including his attendance at family functions and visits to their homes. Thus, while the relationship between the applicant and these account holders is a relevant circumstance, the statements themselves disclose how Vijay Patil could obtain their particulars directly. The inference that those particulars could have reached the other accused only through the applicant cannot be accepted as the sole explanation at this stage. Some statements contain a subsequent general assertion of concerted action, but their specific narration of procurement of documents and collection of money attributes those acts to Vijay Patil. No direct credit of the diverted assistance to the applicant's account has been shown. These circumstances do not exclude his participation, but are material to the present assessment.

7. The allegation concerning deletion of the circulated list must also be considered. Apart from Vinod Kumawat's statement, the Tahsildar's supplementary statement refers to the applicant calling him and stating that the list included farmers covered by earlier Government Resolutions, that its circulation would create confusion, and that Amol Bhoi would provide a filtered list. Whether this communication was intended to conceal the false beneficiaries is a matter for trial. The Court does not discard this material. Nevertheless, the original list had

already been downloaded by the concerned Talathi, and its comparison with the official records enabled the discrepancies to be detected. The relevant records are available to the prosecution. This alleged conduct, though incriminating according to the prosecution, does not by itself establish that detention must continue throughout the trial.

8. Neither the applicant's initial appointment to the inquiry committee nor repayment of amounts by certain account holders absolves him of the alleged offences. The conclusion on bail rests upon the cumulative circumstances, the nature of the material concerning his individual participation, completion of investigation concerning him, filing of the charge-sheet, availability of the official and banking records at the time of the trial, and his custody undergone since 28th October 2025. The applicant has no criminal antecedents that have been brought to the notice of the Court. His relationship with several witnesses requires safeguards against influence, which can be imposed as conditions of release. Further detention of the applicant is not warranted. Hence, the following order:-

O R D E R

a) The application stands allowed.

b) The applicant, Ashish Kaduba Kakde, shall be released on bail in Crime No. 428 of 2025 registered with Pachora Police Station, District Jalgaon, on executing a personal bond of Rs.50,000 with one or two solvent sureties in the like amount.

c) He shall attend the trial regularly unless exempted by the trial Court.

d) He shall attend before the investigating officer whenever required upon written notice.

e) He shall not directly or indirectly induce, threaten or promise any person acquainted with the facts of the case, influence any witness, or tamper with the official, electronic or banking records concerning the alleged transactions.

f) He shall not leave India without prior permission of the trial Court.

g) All observations herein are prima facie and confined to this application; the trial Court shall decide the matter uninfluenced by them.

9. The Observations in this order are prima facie in nature and the trial court shall decide the trial on its own merits uninfluenced by any observations made in this order.

(HITEN S. VENEGAVKAR, J.)

JPChavan