IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1671 OF 2026

Santosh Sonappa Dargu
VERSUS
The State of Maharashtra and another

Mr. M. P. Tripathi, Advocate for applicant
Mr. A. R. Kale, APP for respondent-State

CORAM : R. M. JOSHI, J.
DATE : 09th OCTOBER, 2026

PER COURT :-

1. Applicant seeks pre-arrest bail in connection with Crime No. 0228 of 2026 registered with Hadgaon Police Station, Dist. Nanded for the offences punishable under Sections 316(5), 318(2), 336(2), 338 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. First Information Report indicates that the applicant who was working as Assistant Superintendent, Cash and Finance at Sub-District Hospital, Hadgaon in collusion with co-accused siphoned huge amount to the tune of rupees 44,12,500/-. *Modus operandi* adopted by the accused persons is that in the head of arrears of basic pay amounts used to be withdrawn and they are deposited into the account of present applicant.

3. Learned counsel for the applicant submits that co-accused

against whom there is similar allegation, has been granted pre-arrest bail by the Sessions Court. He, therefore, seeks bail on parity. He further argues that in any case the amount allegedly received in the account of the applicant has already been deposited and as such, this is not a case of custodial interrogation of the applicant.

4. Learned APP opposed grant of any relief to the applicant by referring to the evidence against him in the form of creating false record and withdrawing money in different heads and ultimately receiving the same in his account. According to learned APP, applicant cannot seek parity in view of the observations made by the Sessions Court while granting pre-arrest bail to him to the effect that applicant was not beneficiary of the crime and no amount was received by him.

5. First Information Report clearly indicates that manner in which government fund is misappropriated. There is specific allegation against the applicant as well as co-accused of creating false record and submitting the same to the treasury. Apart from creation of such record, there is further specific allegation against applicant that he received the entire misappropriated amount into his account. Role of the present applicant as compared to the co-accused is different in the sense that the applicant has admittedly received misappropriated money into his account whereas co-accused is said to be not beneficiary of the crime.

Thus, there is more than sufficient evidence to show involvement of the applicant in this crime. Merely because applicant has deposited any amount pursuant to the inquiry conducted against him that does not absolve him from the crime. Needless to say that such crimes are on rise and the disgruntled government employees misappropriate huge money and after revelation of the crime, deposit the money. If such practice is adopted, it will amount to encourage the government employees from committing frauds and to get away with the same. Having regard to these facts, this Court is not inclined to grant any relief to the applicant.

6. Hence, application stands dismissed.

(R. M. JOSHI, J.)

B. S. Joshi