IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

929 ANTICIPATORY BAIL APPLICATION NO. 1848 OF 2026 WITH
CRIMINAL APPLICATION NO. 4010 OF 2026
IN ABA/1848/2026

Umakant Vasant Borse ....Applicant

VERSUS

The State of Maharashtra .....Respondent

Mr. N. L. Chaudhari, Advocate for Applicant
Mr. P. J. Bharad, APP for the State.
Mr. H. V. Tungar, Advocate for the informant.

CORAM : R. M. JOSHI, J.
DATE : 27th OCTOBER, 2026.

PER COURT :

1. Applicant seeks pre-arrest bail in connection with Crime No. 0444/2026, registered with Dhule Taluka Police Station, Dhule, District Dhule, for the offences punishable under Sections 409, 420, 465, 467, 468, 471, 477-A, 166, 167, 120-B r/w 34 of Indian Penal Code.

2. Applicant is the Village Development Officer who was incharge of the said post during the period from 01.08.2021 to 09.10.2023. First Information Report alleges that by passing resolutions by the Gram Panchayat an area admeasuring 100 x 100 sq. ft. was allotted

to co-accused Chandrakant. It is further specifically alleged that while converting manual entries into computerised record, the said area was increased from 100 x 100 sq. ft. to 160 x 1500 sq. ft. Since the said change of record is done during the tenure of the present Applicant, amongst other accused, offence has been registered against him.

3. Learned Counsel for Applicant submits that the Applicant though was holding the said post during relevant period, he drew attention of the Court to the resolution passed by Gram Panchayat immediately after he assumed the charge indicating that it was pointed out to the Gram Panchayat about there being correction in the record. A resolution was passed holding the Applicant not responsible for the same. By referring to this resolution, it is contended that the Applicant is not concerned with the alleged interpolation in the record of Gram Panchayat. According to him, in any case, the entire offence is based on documentary evidence which has already been collected during the course of investigation and as such Applicant is entitled to pre-arrest bail. He also drew attention of the Court to the order passed by this Court protecting liberty of the co-accused.

4. Learned APP and learned Counsel for the informant opposed grant of relief to the Applicant by submitting that admittedly during the relevant period i.e. when manual record was converted into computerised record, change has been effected into the area allotted to the co-accused. It is their contention that if the argument of learned Counsel for the Applicant about correction in the record being done prior to Applicant resuming charge, is to be accepted, there ought to have been issuance of demand against the co-accused. Since no such evidence is available, it cannot be said that there is no evidence connecting the Applicant with the crime in question.

5. Prima facie perusal of record indicates that there is no dispute about the fact that initially co-accused Chandrakant was allotted area admeasuring 100 x 100 sq. ft. There is nothing on record to show that prior to the present Applicant taking charge, any time said Chandrakant was charged for taxes for the area more than 100 x 100 sq ft. If it is the contention of learned Counsel for the Applicant that even before the Applicant took charge, the said correction was done manually, there ought to have been such demand notice issued to co-accused. In absence of such notice, there is evidence to indicate that

during the tenure of the present Applicant, said record has been changed.

6. Though reference is made to the resolution passed by the Gram Panchayat on 14.08.2021, perusal of the same does not specifically refer to the entry in question. Moreover, what is stated in the said resolution is about the correction being carried out by applying whitener in the said entry. There is no reason to believe that whitener is applied and correction is carried out. In absence of any specific evidence indicating that the entry was done by someone else, allegation against the Applicant to that effect cannot be discarded.

7. Even though the offence is involving documentary evidence, once prima facie evidence is found against the Applicant, who is a Government servant, of his involvement in the crime which is undoubtedly serious in nature, he is not entitled for discretionary relief of protection of his liberty. Hence, application stands dismissed.

8. Pending application, if any, does not survive and stands disposed of.

(R. M. JOSHI, J.)

dyb