IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1669 OF 2025

VIJAY HANUMANT JOGDAND
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Senior Advocate for Applicant : Mr. Rajendra Deshmukh i/by
Mr. Ramankumar Gopal Dodiya

GP for Respondents/State : Mr. A. B. Girase

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CORAM : MEHROZ K. PATHAN, J.

Date of Reserving the Order : **22nd DECEMBER 2025**

Date of Pronouncing the Order : **12th JANUARY 2026**

O R D E R :

1. The Applicant has approached this Court, seeking anticipatory bail in connection with Crime No.453/2025 registered with Ambad Police Station, District Jalna for the offences punishable under Sections 316(4), 316(5), 318(4), 324(5), 336(3), 338, 340(2), 339, 238 r/w 3(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 52 and 53 of the Disaster Management Act, 2005.

2. The First Information Report was filed by one Vilas Komatwar, stating that he had received a letter from the Sub Divisional Officer, Ambad, dated 18.08.2025. The letter informed him that the Three-Member Committee had submitted a report regarding the natural calamity compensation disbursement fraud committed by accused persons at Ambad and Ghansavangi Taluka, and authorized him to register an FIR against those found responsible in the said report.

3. It is alleged that the State Government declared compensation for farmers whose agricultural fields were affected by natural calamities during the years 2022, 2023, and 2024, including floods, heavy rainfall, unseasonal rainfall, drought, etc., to be disbursed to the affected farmers. Several complaints were received at the Collector Office, Jalna, pertaining to the disbursement of natural calamity compensation at the Tahsil Offices of Ambad and Ghansavangi. The complaints mentioned the role of the Village Revenue Officer, Gram Sevak, and Agricultural Assistant, who allegedly colluded with each other to disburse compensation to bogus farmers who were not eligible for such benefits. In some cases, compensation was disbursed to farmers who were not residents of the village, including villagers from other Talukas and Districts. Agricultural fields of lesser measurement were shown with inflated areas by forging the 7/12 extracts and by falsely showing fruit-bearing trees on barren land. Some beneficiaries were allotted compensation twice. Taking into consideration the aforesaid complaints, the Collector, Jalna, under his supervision, formed a Three-Member Committee on 28.01.2025.

The said Committee conducted a detailed inquiry into the complaints and submitted its report. In the FIR, 28 persons were named, along with certain other unnamed persons who had acted in collusion and misused the login ID of the Tahsildar and committed fraud/misappropriation by disbursing compensation to persons not entitled to receive the same. In some cases, even Government lands were wrongly shown in forged 7/12 extracts of villagers, thereby obtaining disaster relief compensation through conspiracy by all the accused persons acting together thereby cheating the Government.

. Apart from the aforesaid two talukas, Ambad and Ghansavangi, six Revenue Officers of the Tahsil Office, Ambad, were also named who have colluded with the Village Revenue Officer/Talathi and certain bogus beneficiaries, conspiring to commit misappropriation with the intention of causing wrongful loss to the Government and wrongful gain to themselves, thereby cheating the Government. One of the Revenue Officers in the Collector Office, Jalna, namely Mr. Dinesh Barad, was held responsible for misusing the login ID and password of the Tahsildar, Ambad. He allegedly connived with the other accused persons and further provoked and instigated them to commit the said crime. It is also alleged in the FIR that after getting knowledge that an inquiry was being conducted into the fraud committed in the disbursement of natural calamity compensation, the accused persons destroyed the necessary evidence and the files in the computers maintained by the Officers were deleted, which could have assisted to prove their guilt. The three email ID's of the Tahasil Office namely tahambad@gmail.com; tahghan@gmail.com and tahghananudan@gmail.com were tampered with by all accused persons and thereafter the evidence were destroyed.

. Thus the aforesaid 28 persons and others are found to have committed the misappropriation to the tune of Rs.24,90,77,811/- by forging the documents and cheating the Government and thereafter destroying the evidence. The complainant therefore prayed for appropriate action against all the accused persons. Thus the present FIR alleges that the Talathis/Revenue Officers, Gram Sevaks, and Agricultural Assistants caused wrongful loss to the Government and wrongful gain to themselves by fabricating certain documents, inserting bogus names of farmers, and disbursing compensation amounts to such bogus farmers. The FIR further alleges that compensation was transferred to fake and ineligible beneficiaries.

4. Heard the learned Senior Counsel Mr. Rajendra Deshmukh alongwith Assisting Counsel and the learned Government Pleader Mr. Girase. I have gone through the documents relied upon by the learned Senior Counsel for the Applicant and also gone through the investigation papers made available by the learned Government Pleader.

5. The learned Senior Counsel, Mr. Deshmukh, for the Applicant submits that the offence as alleged against the Applicant is not made out. The Applicant had no control, authority, or access to the disbursement of disaster relief funds, and as such, the offence under the Disaster Management Act is also not made out. The mere performance of certain clerical duties by the Applicant cannot fasten criminal liability upon him. There is no documentary evidence placed on record by the Three-Member Committee to show that the Applicant, who was working as Talathi, actively participated in, facilitated, or personally benefited from the alleged fraudulent act of forging documents. The Applicant was only working as Talathi and performed the task of collecting information provided by the farmers in the prescribed excel sheet. The entire effort of the Investigating Officer appears to be directed at saving the higher officers and the bogus farmers who are actually responsible for the alleged fraud committed in the disbursement of natural calamity compensation.

6. It is further submitted that the Applicant has no authority to sanction, upload or download the beneficiary list. The disbursement was also directly in the account of the beneficiaries.

The list prepared by the Applicant was subject to approval by the Tahsildar and the SDO and after re-verification of the identities of the farmers through the Common Service Center - Special Purpose Vehicle (CSC-SPV), the amount was directly transferred in the account of villagers.

. It is further submitted by the learned Senior Counsel that there was no mens rea to commit any crime. The errors are technical in nature, and the glitches in the software are themselves indicated in the Three-Member Committee's report, which has led to various wrongful disbursements. The Applicant did not have control over the funds, nor was there any intentional overt act at the behest of the Applicant. The Applicant had only a clerical role of assisting the farmers in the preparation of the list, and therefore criminal liability cannot be fastened upon the present Applicant.

7. It is further submitted that though the Inquiry Committee had shown 100 persons to be responsible, only a few persons like the Applicant, who were performing the ground work, have been made the scapegoat to save the higher officers. The authorities have adopted a pick-and-choose policy to protect the higher officers, and the department has followed an arbitrary method in conducting the inquiry. The Applicant has cooperated with the Inquiry Committee by recovering an amount of Rs. 2,91,050/- out of the misappropriated amount of Rs. 14,33,705/- quoted in the

Three-Member Inquiry Committee's report. Thus, maximum recovery has already been made, and the Applicant is ready to further assist the prosecution in effecting recovery of the remaining amount which has not yet been recovered. The Applicant is a Government Officer and is not a flight risk and is ready to cooperate with the investigation and hence the Applicant may be released on anticipatory bail as the prosecution has failed to make out any case for custodial interrogation of the Applicant.

8. As against this, the learned Government Pleader vehemently opposes the application on the ground that the Applicant is involved in the serious offence of misappropriation of funds which were to be disbursed to the eligible farmers, who are in need of assistance due to the loss incurred from the natural calamity. The learned Government Pleader further submits that the Applicant is alleged to have been working as a Talathi and, by virtue of his official position, was entrusted with duties relating to preparation, verification and forwarding of beneficiary data under the agricultural subsidy scheme for the villages of Chandanapuri, Renapuri, Taka, Dungaon and Nalewadi under Tehsil Office Ambad. As per the inquiry committee report, the role attributed to the Applicant is that he prepared and processed beneficiary lists wherein names of persons allegedly not belonging to the concerned villages and not possessing agricultural land were included, resulting in alleged embezzlement of government funds amounting to Rs.14.33 lakh. The inquiry committee has further recorded that an amount of Rs.2.91 lakh is stated to have been paid back.

. Upon perusal of the investigation papers, it prima facie emerges that Gram Panchayat certificates placed on record indicate that several persons shown as beneficiaries do not reside in the concerned villages, including Renapuri, Taka, Dungaon and Nalewadi, and amounts were credited in their names. The investigation reflects that certificates have been issued stating that multiple persons from Nalewadi, Taka and Dungaon villages were not residing in the respective villages, involving substantial subsidy amounts. Statements of witnesses whose names appear in the beneficiary lists, as well as statements of local officials, prima facie suggest that the beneficiaries shown were either ineligible or fictitious, and that the subsidy amounts were credited without fulfillment of eligibility conditions under the scheme. The investigation further discloses that certain beneficiary lists were transmitted not through the prescribed official email channel but through WhatsApp. Statements recorded during investigation, including that of the Revenue Assistant who was earlier arrested in connection with the same crime, indicate that the applicant had forwarded more than one list of alleged bogus account holders via WhatsApp from time to time, suggesting deviation from official procedure. The papers also reflect allegations that incomplete names, incorrect residential addresses and mobile numbers were deliberately uploaded, which has impeded identification of the actual recipients and tracing of the money trail.

. It is further alleged that the same persons were repeatedly shown as beneficiaries in different villages across several years, i.e. 2022, 2023 and 2024, allegedly by taking advantage of a technical error in the system. The investigation also refers to statements indicating that the Applicant, with the assistance of colleagues and agents, allegedly used Aadhaar cards and bank passbooks of labourers and unemployed persons from various villages, luring them with small monetary inducements, for the purpose of crediting subsidy amounts in their names. Statements on record further suggest that some beneficiaries were residents of other villages and districts, including persons not engaged in farming activities.

. It is further submitted by the learned Government Pleader that having regard to the role attributed to the Applicant as a public servant, the nature of allegations involving misuse of official position and public funds, the material collected through documentary evidence and witness statements, and the scope of further investigation including verification of beneficiaries, identification of agents and tracing of the flow of funds, the Court is required to consider whether custodial interrogation is necessary for effective investigation. Without expressing any final opinion on the merits of the case, and considering the submissions advanced on behalf of both sides, the application requires further consideration.

9. After having considered the submissions made by the learned Senior Counsel for the Applicant and the learned Government Pleader, it could be seen that the Applicant was given the responsibility of preparation of the list of the beneficiaries entitled to receive compensation due to natural calamity. The investigation papers show that though the Applicant has assisted to recover the amount of Rs.2,91,050/- during the course of Three Member Inquiry, there are certain statements recorded by the prosecution which clearly show the involvement of the present Applicant. The statements are made available for perusal of this Court. The perusal of the statements clearly shows that the Applicant has played an active role in conspiring to commit the offence of cheating, forgery and has misappropriated huge amount. One of the statements of Sitaram shows that the Applicant asked him to bring his Aadhaar Card and relevant documents for receiving compensation illegally. The Applicant also informed the witness that after receiving the compensation amount, he should retain only Rs. 5,000 and hand over the remaining amount to the Applicant. Likewise, there are several other statements wherein the Applicant demanded that the villagers produce the relevant documents and instructed them to return the compensation amount, if credited to their accounts, after deducting a portion.

10. The Hon'ble Supreme Court in the case of **Y.S. Jagan Mohan Reddy v. Central Bureau of Investigation**, (2013) 7 SCC 439 and in the case of **Tarunkumar Vs. Assistant Director Directorate of Enforcement**, 2023 NSC 1006, was pleased to hold that the economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as a grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

11. The Hon'ble Supreme Court in the case of **Nimmagadda Prasad vs C.B.I., Hyderabad**, (2013) 7 SCC 466, has held as under :

> *23. Unfortunately, in the last few years, the country has been seeing an alarming rise in white-collar crimes, which has affected the fibre of the country's economic structure. Incontrovertibly, economic offences have serious repercussions on the development of the country as a whole. In State of Gujarat v. Mohanlal Jitamalji Porwal [(1987) 2 SCC 364 : 1987 SCC (Cri) 364] this Court, while considering a request of the prosecution for adducing additional evidence, inter alia, observed as under:*
> *"5. ... The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to*

> *the community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even-handed manner without fear of criticism from the quarters which view white-collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest."*

12. The Applicant in connivance with all other accused persons has allegedly committed the misappropriation to the tune of Rs.25 Crores by using login ID of Tahsildar with the assistance of other accused persons. The statements recorded by the Investigating Officer during the course of investigation reveals the role of the present Applicant to be a prime suspect in the crime. The custodial of the Applicant would be thus necessary. Some of the amount initially shown as misappropriated by the Inquiry Committee has been allegedly recovered by the Applicant. However the investigation shows that the amount of misappropriation is likely to increase as the investigation is still going and the statements of the bogus farmers are being recorded. Thus there is every likelihood that the Applicant if released on bail, may cause prejudice to the investigation.

13. Thus taking into consideration the gravity and nature of economic offence, the Three Member Committee's report and the investigation papers which include statements of various beneficiaries, I am not inclined to exercise the discretion in favour of the present Applicant to grant anticipatory bail. The application is therefore rejected.

MEHROZ K. PATHAN
JUDGE