IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1679 OF 2025

NIVAS BABUSINGH JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Sudarshan Salunke

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

5. The learned Counsel Mr. Salunke for the Applicant submits that the show cause notice was issued to the Applicant alleging misappropriation of amount of Rs.14,23,830/- attributable to the Applicant. The Applicant has submitted his reply and has assisted the Committee to recover an amount of Rs. 8,02,330/-. It is further submitted by Mr. Salunke that the Tahsildar Ambad had submitted a communication to the Collector stating that the Applicant has deposited the amount of Rs.14,23,830/- and as such the entire recovery is already made and the said recovery shall be deleted from the amount of misappropriation.

. Mr. Salunke further submits that the receipts of the amount paid back to the Government are already on record which would show the bonafides of the Applicant that the Applicant is ready to cooperate with the investigation. The Applicant was transferred from Dhangar Pimpri to Dhakalgaon in June, 2023 and the amount shown to be disbursed to fake beneficiaries for the village Dhangar Pimpri i.e. Rs.6,18,170/- shall be deleted as the said amount was disbursed in pursuance to the list sent in September and October, 2023.

6. It is further submitted that the Applicant is ready to cooperate with the investigation and the Applicant is a Government

Servant, not a flight risk, and there is no possibility of his fleeing from the ends of justice. The Applicant is ready to further cooperate with the investigation for recovery of the amount if any attributable to the villages where the Applicant was working as Talathi. The Applicant is a responsible Government Officer and is ready to cooperate with the investigation. The custodial interrogation of the Applicant is not necessary, and therefore the Applicant may be released on bail.

7. As against this, the learned Government Pleader vehemently opposes the application on the ground that even though an amount of Rs.8,02,330/- was recovered at the instance of the Applicant, however a huge amount of Rs.6,21,500/- is yet to be recovered from the fake beneficiaries enlisted by the present Applicant from the total amount of Rs.14,23,820/- with an intention to cheat the Government. The statements of Rameshwar and others would show that the Applicant has insisted the villagers to provide the necessary documents to enlist their names in the beneficiaries even though they were not entitled. The Gram Panchayat has issued a certificate that the fake beneficiaries were not residents of their villages. The Applicant has forwarded the list on Whatsapp to the concerned officials at Tahsil office for enlisting the names of fake beneficiaries which in itself is a proof of Applicant's involvement in the crime.

8. It is further submitted by the learned Government Pleader that the Applicant is alleged to be working as a Talathi (Village Revenue Officer) and, by virtue of such official position, was entrusted with the responsibility of preparing, verifying and forwarding beneficiary lists under the agricultural compensation/subsidy scheme for the villages of Saudgaon Khurd, Dhakalgaon, Haratkheda, Ramgavan Budruk/Dhangar Pimpri, Dodadgaon and Jamkhed under Ambad Tehsil. As per the inquiry committee report, the role attributed to the applicant is that he prepared and processed account-holder lists containing names of persons who were allegedly not eligible under the scheme, resulting in alleged embezzlement of government funds amounting to Rs.14.23 lakh. The inquiry committee has further noted that the applicant has stated to have repaid an amount of Rs.8.02 lakh, while the remaining amount is alleged to have been misappropriated.

. Upon perusal of the investigation papers, it prima facie emerges that statements of several witnesses, described as bogus beneficiaries who do not own agricultural land, have been recorded. The statements of Rameshwar Dakhurkar, resident of Barsawada, Ambad Taluka, Rameshwar Ramkisan Munde, resident of Dodadgaon, Ambad Taluka, and Pratiksha Tanaji Dhumal, resident of Dhakalgaon, Ambad Taluka, indicate that amounts were credited in their names, through digital modes such as PhonePe, despite their alleged ineligibility under the scheme. The witness statements disclose that subsidy amounts were received without ownership of agricultural land, thereby lending prima facie support to the allegations of prosecution.

The investigation further reflects that Gram Panchayat certificates have been issued certifying that a substantial number of persons shown as beneficiaries were not residents of the concerned villages, including Dodadgaon, Dhakalgaon and Haratkheda. The amounts deposited in the names of such non-resident individuals, as reflected in the certificates placed on record, runs into several lakhs of rupees. The prosecution case, as emerging from the material, is that the applicant included names of individuals/relatives/acquaintances from his village and other villages, who were not eligible for compensation, in the list of affected farmers and thereafter facilitated deposit of grant amounts in their accounts, which were subsequently withdrawn. It is also brought out from the investigation papers that the beneficiary lists were not transmitted strictly in accordance with prescribed procedure. Although the lists were required to be sent along with crop-wise inspection reports on a designated official email address, the applicant is alleged to have sent such lists through WhatsApp, in addition to email. Statements recorded during investigation, including that of a Revenue Assistant who was earlier arrested in connection with the same crime, indicate that the applicant forwarded two lists of alleged bogus account holders via WhatsApp from time to time, suggesting deviation from official procedure.

. The investigation further discloses allegations that the applicant uploaded beneficiary lists containing incomplete names, incorrect residential addresses and mobile numbers, which has hampered identification and tracing of the beneficiaries and the money trail. It is also alleged that the applicant included names of persons from other villages and districts, including Chhatrapati Sambhaji Nagar, Ahilyanagar, Thane, Beed and Amravati, who do not own agricultural land. The investigation further refers to material indicating that the applicant, with the assistance of associates and agents, used Aadhaar cards and bank passbooks of labourers and unemployed persons from various villages, luring them with small monetary inducements for the purpose of routing grant amounts.

9. The learned Government Pleader further submits that having regard to the role attributed to the Applicant as a public servant, the documentary material and witness statements collected during investigation, the nature of allegations involving misuse of official position and public funds, and the scope of further investigation required for identifying beneficiaries, associates and tracing the flow and recovery of funds. He therefore prays for rejection of the present application.

10. I have gone through the investigation papers and the submissions made by the learned Counsel for the Applicant Mr. Salunke. I have also gone through the FIR and the Three Member Inquiry Committee's report. The perusal of the communication issued by the Tahsildar Ambad dated 10.06.2025 relied upon by Mr. Salunke, nowhere states that the entire amount is recovered. The said communication only states about deleting the amount of Rs. 14,23,830/- as the said amount is already recovered and re-deposited in the Government's account. The investigation papers show that the Gram Panchayat, Dholgaon, Dhakalgaon and Haradkheda have issued certificates showing various fake beneficiaries were not residents of their village even though shown to be residents in the list submitted by the Applicant. The statements of Rameshwar Dakurkar and others show that the Applicant played a major role in conspiring to commit the said crime by cheating the Government and obtaining compensation for fake beneficiaries who were not entitled to receive it, by forging documents such as Aadhaar Cards, Residence Certificates, 7/12 extracts, and mobile numbers. The statements further reveal that the Applicant demanded a huge amount from these fake beneficiaries as commission in return for securing the compensation.

. Even though it is submitted by Mr. Salunke that the Applicant was transferred from Dhangar Pimpri to Dhakalgaon in

June 2023, the groundwork of preparing the list for the aforesaid villages was carried out with the assistance of the Applicant prior to the final list being sent in September and October 2023, as could be derived from the statements of the villagers recorded by the Investigating Officer.

11. 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.

12. 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:*
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> *"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."

13. The Applicant in connivance with all other accused persons have 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 interrogation 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.

. 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

Najeeb.