IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1681 OF 2025

SUKANYA SHRIKRISHNA GAWATE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Senior Advocate for Applicant : Mr. V.D. Sapkal i/by
Mr. Gaikwad Prakash a/w Yash A. Jadhav

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. Sapkal alongwith Assisting Counsels 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. Sapkal for the Applicant submits that the the Three Member Inquiry Committee was formed to inquire into the allegations of fraudulent disbursement of compensation for natural calamities to the farmers. The Applicant was issued a show cause notice on 12.06.2025, and the reply was filed by the Applicant on 23.06.2025. The Applicant was shown to have misappropriated an amount of Rs. 19,35,655/-, and the Applicant has assisted in the recovery of Rs. 12,98,475/- from the villages Bhokarwadi, Malyachiwadi, and Lendewadi. The details have been submitted by the Applicant, who was working as a Talathi at Malyachiwadi. It is also stated in the communication submitted by the Applicant that the remaining amount of Rs. 6,34,880/- is attributable to one Rahul, who was working as Talathi, and not attributable to the Applicant. It is further submitted by the learned Senior Counsel, Mr. Sapkal, that the amount was deposited in July, whereas the FIR was registered in August. The lower-level officers are being made scapegoats only to save the higher officers. The Applicant, a lady, has worked to the expectations of her seniors and has maintained an unblemished record. The Applicant has assisted the Inquiry Committee in making recovery and is further ready to cooperate with the investigation and assist in recovering any additional amount that may be recoverable from the villagers where she is working as Talathi.

6. It is further submitted by the learned Senior Counsel for the Applicant that the prosecution has failed to show any necessity of the custodial interrogation of the Applicant. It is almost a settled law that the bail is the rule and jail is the exception, and as such, unless an extreme case for custody is made out, the Applicant can be released on bail. The Applicant is a Government Servant, and there is no possibility of his fleeing from the ends of justice. The Applicant has cooperated in the inquiry and is also ready to cooperate with the investigation. The prosecution has failed to make out a case that custodial interrogation of the Applicant is 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 the Applicant was working as Talathi and is alleged to have committed misappropriation of Rs. 20 Lakhs approximately by the Three Member Committee. The Applicant has failed to recover any amount. The Three Member Committee's report does not reflect any amount recovered with the assistance of the Applicant in respect of the list prepared by her for Bhokarwadi, Malyachiwadi, and Lendewadi. The Applicant had taken benefit in her own name to the tune of Rs. 48,700/- for Gut No. 28 from village Dhalaskheda in the name of one Mangal Dhaka. However, the Aadhaar Card number attached to the same corresponds to the Aadhaar Card number of the Applicant. The Applicant had also uploaded the names of her close relatives, particularly her grandfather.

. It is further submitted by the learned Government Pleader that the Applicant was entrusted with the duty of preparing, verifying and forwarding beneficiary lists under the agricultural compensation/subsidy scheme for the villages of Bhokarwadi, Malyachiwadi and Lendewadi under Ambad Tehsil. As per the inquiry committee report, the role attributed to the Applicant is that she prepared and processed beneficiary lists containing names of persons who were allegedly not eligible under the scheme, resulting in alleged embezzlement of government funds amounting to Rs. 20.10 lakh within her jurisdiction. The inquiry committee has further recorded that the applicant has not deposited any amount. The investigation has also revealed alleged additional embezzlement of Rs.5,18,512/- on account of fabricated records. Upon perusal of the investigation papers, it prima facie emerges that statements of several witnesses, described as bogus beneficiaries without agricultural land, have been recorded. The statements of Libaji Sampat Gavate, Dilip Bhaiyasaheb Mohite, Yogita Ganesh Mohite, Rupesh Diliprao Mohite, Ganesh Pransing Mohite, Divyani Dilip Mohite, Swapnil Baliram Kale (stated to be the applicant's landlord) and Abhishek Chandan Bamnavat, among others, indicate that subsidy amounts were credited in their names or in the names of multiple individuals shown as beneficiaries, despite their alleged ineligibility under the scheme. The cumulative amount reflected through such witness statements exceeds ₹5.78 lakh, as noted in the investigation papers. 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 Bhokarwadi, Malyachiwadi, Lebhewadi and Mauje Bakshachi Wadi. The amounts deposited in the names of such non-resident individuals, as reflected in the certificates placed on record, aggregate to several lakhs of rupees. The prosecution case, as emerging from the material, is that the applicant included names of individuals, relatives and acquaintances who did not own agricultural land and 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. The investigation further discloses allegations that the applicant prepared and produced forged and fabricated 7/12 extracts and presented the same before the inquiry committee as genuine, allegedly with a view to reduce the amount recoverable from her. The papers placed on record detail multiple instances of fake 7/12 extracts relating to different Gat numbers, involving an aggregate amount of Rs.5,18,512/-. The investigation also indicates that subsidy amounts were received in the names of close relatives of the applicant, including family members, despite their alleged ineligibility. It is further alleged that the applicant also received subsidy in her own name in respect of land not owned by her, by using her Aadhaar number. It is also alleged that while uploading beneficiary lists, the applicant deliberately entered incomplete names, incorrect residential addresses and mobile numbers, thereby hampering identification and tracing of beneficiaries and the flow of funds. The investigation further indicates that the same bogus names were used repeatedly in different villages during the years 2022, 2023 and 2024, allegedly by taking advantage of a loophole in the server/system. The prosecution has also alleged 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 subsidy amounts.

. It is further submitted by the learned Government Pleader 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 and magnitude of the allegations involving misuse of official position, fabrication of revenue records and diversion of public funds, the further investigation requires custody of the Applicant for identifying beneficiaries, associates and tracing the money trail.

8. After having considered the submissions made by the learned Senior Counsel for the Applicant and the learned Government Pleader, it is found that the offence is serious in nature and involves huge amount of misappropriation. The Applicant has not only inserted the names of fake beneficiaries, however the Applicant has also included the names of her own relatives. The Applicant has also drawn the compensation in the name of the landlord of the Applicant namely Swapnil Kale who was the landlord of the Applicant. The Applicant has uploaded the name of one Mangal Dhaka for gut No.28 and has inserted the Aadhar of the Applicant and withdrew of Rs.48,700/-. There are fake 7/12 extracts allegedly prepared by the Applicant. The investigation further shows that the fake beneficiaries were inserted in the portal with the assistance of the present Applicant and the information which is provided by the Applicant uploading name of fake beneficiaries shows different telephone mobile numbers and fictitious names and fake Aadhar Cards and fake 7/12 extracts. The custodial interrogation of the Applicant would be necessary to recover the amount fraudulently transferred in the fictitious name. The Applicant has failed to give names of the persons involved in the crime and the fake names were uploaded by the Applicant, however no such information was revealed.

9. 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.

10. 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."

11. 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 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 is disputed by the State. 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.