IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1702 OF 2025

KAILAS SHIVAJIRAO GHARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
Advocate for Applicant : Mr. Salunke Sudarshan J.

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

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 such 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 role attributed to the Applicant is misconceived and not supported by the documentary material on record. The show cause notice alleges misappropriation of an amount of Rs.1,83,56,399/-. However, the final report of the Three-Member Committee records that an amount of Rs.6,11,230/- has already been recovered by the Applicant, which clearly demonstrates his cooperation with the authorities.

. It is further submitted that the Applicant has, in his reply, specifically refuted the allegation of misappropriation and has clarified that he was never allotted village Dahigavhan and did not enlist or forward the names of beneficiaries who are alleged to have received the aforesaid amount. Recovery receipts evidencing deposit of amounts back to the Government are already on record, showing the bonafide conduct of the Applicant.

6. The learned Counsel further submits that as per Government Resolution dated 23.08.2022, villages namely Sukhapuri, Lakhmapuri, Kukkadgaon and Belgaon were allotted to the Applicant. However, as per subsequent Government Resolution dated 19.12.2022, only village Sukhapuri remained allotted to the Applicant, while village Dahigavhan Khurd was specifically allotted to another Talathi, namely Shri N. E. Thombar. Hence, any alleged amount pertaining to village Dahigavhan cannot be attributed to the Applicant. It is also submitted that the Applicant was placed under suspension vide order dated 13.06.2025, and due to such suspension, he was deprived of official access and authority, and therefore could not effect any further recovery of amounts. The Applicant is a Government servant, has cooperated with the inquiry, is ready to cooperate with the investigation, and there is no likelihood of his absconding or tampering with evidence.

. In view of the above, it is submitted that the Applicant has acted bonafide, has facilitated recovery of amounts,It is further submitted that the Applicant is ready to cooperate in the investigation and the Applicant is a Government Servant, so there is no 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 The applicant was working as a Talathi (Village Revenue Officer) under the Ambad Tahsil office and was entrusted with preparation, verification and forwarding of beneficiary lists under the concerned agricultural compensation scheme for several villages. As per the inquiry committee report, the applicant was responsible for villages including Nagonyachi Wadi, Gangaram Tanda, Eklahera, Pimparkheda Khurd, Ramgavan Budruk, Jogeshwar Wadi, Dodgaon, Pangri, Davargaon, Chinchkheda, Domegaon Koli, Sirasgaon, Bhanjalgav, Shahagad, Patharwala Khurd, Walkeshwar, Mahakala and Kaudgaon. The inquiry committee has recorded that the applicant has embezzled government funds to the extent of approximately Rs.1.86 crore, out of which payment of Rs.10.78 lakhs is stated to have been made. Upon perusal of the investigation conducted to date, it prima facie emerges that the applicant prepared and forwarded accountant lists containing bogus, duplicate and ineligible beneficiaries, resulting in substantial misappropriation. The witness statements on record indicate that names of persons who did not even own agricultural land and were also not residents of the concerned villages were included in the lists prepared under the applicant's jurisdiction. The confidential statement of Vijay Nivrutti Bhandavle discloses that he provided his own name and the names of his parents for receiving the subsidy. Statements of witnesses such as Bhushansingh Bhagwansingh Kachor, covered as many as 107 individuals, and other witnesses including Kabir Sardarsingh Pawar and Kuldeep Namdev Tile, prima facie indicate large-scale inclusion of ineligible beneficiaries. The investigation papers also include Gram Panchayat and Sarpanch certificates from multiple villages certifying that numerous beneficiaries were neither residents of the villages nor owners of agricultural land. These certificates collectively account for a substantial amount and corroborate the allegation that the lists were prepared without verification of eligibility. It is revealed that the applicant forwarded approximately ten lists of bogus account holders from time to time. The investigation also reflects instances where grants were repeatedly taken in the name of the same individual across different villages over successive years, suggesting a systematic and deliberate modus operandi. It is further alleged that the applicant included names of individuals, relatives and acquaintances who were not eligible for the said compensation, yet they facilitated deposit of grant amounts in their accounts and thereafter withdrew or caused withdrawal of the amounts. The investigation also points towards use of Aadhaar cards and bank passbooks of multiple labourers and unemployed persons through intermediaries, by luring them with small amounts of money, in order to route the benefits.

8. It is further submitted by the Government Pleader that having regard to the magnitude of the alleged misappropriation, the wide geographical spread of villages involved, the number of beneficiaries reflected in the records, the witness statements implicating the applicant, and the material suggesting collusion with co-accused and misuse of official position, the investigation appears to be at a crucial stage. There is an immediate need to identify beneficiaries, trace the flow of funds, verify the preparation and transmission of lists, and ascertain the extent of collusion with other accused persons, which is also specifically noted in the investigation papers. The Applicant's active and central role in the offence, the documentary evidence supported by witness statements, custodial interrogation of the applicant is necessary for effective investigation. Grant of anticipatory bail at this stage would seriously hamper the investigation and may enable the applicant to influence witnesses or tamper with evidence. Accordingly, taking into consideration the nature and gravity of the offence, the role attributed to the applicant, the material collected during investigation, and the requirement of custodial interrogation, the application may be rejected.

9. I have considered the submissions and perused the investigation papers. The Applicant's role in recovery of the amount is noted. However, investigation papers show large-scale misappropriation involving bogus beneficiaries across villages. The Applicant's involvement in preparing and forwarding ineligible lists, and transmitting lists via WhatsApp, raises serious concerns. Witness statements and documentary evidence support the prosecution's case. Further, the confidential statement of Vaibhav Adgaonkar reveals that the present applicant provided him with bogus names for uploading, which were thereafter uploaded.The material further indicates that, during investigation the role of co-accused Sushil Jadhav, it was revealed that although the official procedure required for forwarding of beneficiary lists along with crop-wise survey reports through a designated email, the applicant, in collusion with other accused persons, sent such lists via WhatsApp in addition to email. Custodial interrogation is thus necessary for effective investigation.

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 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 also 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.