IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1703 OF 2025

VITTHAL PRALAHAD GADEKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Deelip Patil Bankar i/by Mr. Abhishek Patil

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. Patil 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. Patil submits that as per the Government Resolution dated 24.01.2023 to submit that on the lines of the loan waiver scheme introduced in the year 2019, the natural calamity compensation scheme was also introduced by the Government through MAHA-IT vide its portal and the Government has approved the said scheme of natural calamity compensation to eligible farmers through their unique ID. After verification of their identification and the amount shall be directly deposited in the account of the eligible farmers. It is further submitted by the learned Senior Counsel for the Applicant that the responsibility was casted upon the concerned Tahsildar to obtain the information of the eligible farmers through the annexures/formats annexed to the Government Resolution to receive the information through the excel-sheets and upload the same on the web-portal through the ID and login of the Tahsildar. The said list uploaded by the Tahsildar on the web portal developed by the MAHA-IT was then required to be approved by the concerned Deputy Collector/SDO and then only the amount shall be disbursed to the eligible farmers.

6. It is further submitted that the Government Resolution also provided for removal of the deficiencies to be done by the

Tahsildar so that the double payment to a single farmer and payment to two farmers for one single land etc. can be avoided. After making such corrections, a revised list shall be then uploaded by the concerned Tahsildar. The Standard Operating Procedure was also provided on the web-site for adopting the modalities.

7. The final list of the eligible beneficiaries, the eligible areas, the requisite funds etc. would be then displayed on V.K. list. The concerned Tahsildar was then authorized to download said list and make it available for display at the concerned Gram Panchayat. The concerned Talathi/Gram Sevak were also given the responsibility of informing about the names included to the farmers of the concerned Gram Panchayat.

8. It is further submitted that the persons shown in the list were also casted upon a duty to verify their identifications through Common Service Center - Special Purpose Vehicle (CSC-SPV) to confirm their bio-metrics. After verification of their identifications, the amount of compensation would be then directly deposited in the accounts of the eligible farmers opened at State Bank of India. If any discrepancy is thereafter found, the concerned Common Service Center (CSC-SPV) would assist the farmers to remove such deficiencies at their level and after correction of the same shall forward the corrected list to the Tahsildar who shall then send back the corrected list to the CSC-SPV for uploading the same and again re-verifying their bio-metrics and after verification shall deposit amount directly in the bank account of the beneficiaries.

9. It is further submitted that the Common Service Center (CSC-SPV) were entitled to receive Rs.20 per beneficiary and they were required to submit information through the form annexed to the Government Resolution.

. It is therefore vehemently submitted by the learned Senior Counsel for the Applicant, Mr. Patil, that the only responsibility cast upon the Talathis/Village Revenue Officers, including the Applicant, was to assist the beneficiary farmers in relation to the V.K. list provided by the Tahsildar. The Tahsildars were the custodian of the entire record and therefore the responsibility of misappropriation if any can be casted only upon the Tahsildar and not upon the Village Revenue Officer/Talathi. It is further submitted that the Applicant was assigned the duty of preparing the list as per the order dated 19.12.2022 issued by the Tahsildar, Ambad. The perusal of the said order dated 19.12.2022 would show that various other officers like Agricultural Assistants/Gram Sevaks were also appointed to prepare the list. The order dated 19.12.2022 would further show that the Circle Officer, the Extension Officer and the Agricultural Officer were supervising the entire work of preparing the list in the excel-sheet and it is under their supervision and guidance, the list was prepared. Hence the FIR which alleges misappropriation only at the behest of the Applicant, is an attempt to save the higher officials in the hierarchy and to harass the present Applicant for the collective errors committed by all the Officers responsible for preparation of the list.

10. It is further submitted by the learned Senior Counsel that the Applicant was transferred from Kodgaon to Ambad Taluka vide order dated 06.08.2021 and it is only thereafter that the Applicant had undertaken the work of Ambad. Insofar as the Village Kodgaon is concerned, the Applicant was handed over the charge only vide communication dated 08.05.2024 issued by the Tahsildar Ambad.

. It is submitted that the Three Member Inquiry Committee had wrongly shown that the Applicant had misappropriated an amount of Rs. 1.57 Crore whereas even before the registration of the present FIR, the Applicant has taken steps and initiated recovery from the bogus beneficiaries who are the actual accused in the present crime. The Applicant has recovered an amount of Rs. 80 Lakhs from the bogus beneficiaries as per the list provided by Tahsil Office and the Inquiry Committee. After registration of FIR, the State has taken no initiative steps to recover the amount from the beneficiaries who had received the amount of compensation directly in their bank accounts. The amount being directly transferred in the bank accounts of the beneficiaries, the Applicant cannot be said to have cheated the Government and it was the beneficiary who had misappropriated the amount. The statements of such beneficiaries, who are themselves the accused of receiving the amount from the Government without they being entitled for the same, cannot be relied upon by the prosecution to prove their case against the Applicant. The entire investigation is unfair, mala fide, and is being conducted only with the intention of saving the higher officers. There are no specific allegations against the Applicant, and the investigation involves documentary evidence which has already been seized by the Investigating Authority. As such, no custodial interrogation of the Applicant is warranted. The mere allegation that the offence is serious in nature cannot be a ground to reject anticipatory bail, and the Prosecution has failed to make out a case showing that custodial interrogation of the Applicant is necessary. The Applicant may therefore be released on bail. One of such incident relied upon by the Prosecution is wrongful disbursement of the compensation to one Rambhau Gadekar who is allegedly a relative of the Applicant and have been wrongfully granted compensation with the assistance of the Applicant. The partition deed is relied upon by the Applicant to show that the compensation granted to the above beneficiary Rambhau was not fraudulent and that he was eligible for such compensation.

11. The learned Senior Counsel relied upon the judgment of the Hon'ble Supreme Court in the case of **Siddharth Mhetre Vs. State of UP, 2022 (1) SCC 676**, wherein it is held that the in the normal and ordinary course, the police are expected to avoid arresting a person where the investigation can be completed without arrest. The personal liberty and reputation of an individual constitute vital aspects of the constitutional mandate.

. The other judgment relied upon by the Counsel for the Applicant in the case of **Ashokkumar Vs. State** which is also on the same lines on the point that the State/prosecution would have to show and indicate more than prima facie, why the custodial interrogation of the accused is required for the purposes of investigation. The learned Senior Counsel further relied upon the judgment of Delhi High Court in BA No.2173/2021 in **Prabir Purya Kasta Vs. Directorate of Enforcement** to submit that the evidence is essentially documentary in nature and there is no likelihood of tampering with the evidence or influencing the witness. Hence the Applicant may be granted anticipatory bail.

. The other judgment relied upon by the learned Senior Counsel for the Applicant is in the case of **Mohammad Farhan Vs. State of Chhattishgarh** dated 10.12.2025 delivered by the High Court of Chhattishgarh wherein the accused was granted anticipatory bail, despite the crime involving a tax amount of Rs. 124 Crores.

12. As against this, the learned Government Pleader strongly opposes the application on the ground that the offence is serious in nature and huge fraud is committed by the Applicant who was working as Talathi/Assistant Revenue Officer. It is submitted that the applicant was working as a Talathi (Village Revenue Officer) in the villages of Parner, Pangri, Davargaon, Ambad, Govindpur and Kavdgaon under the Ambad Tahsil Office. As per the inquiry committee report, it is alleged that by misusing his official position, the applicant prepared and forwarded beneficiary lists containing names of persons who were not residents of the concerned villages and who did not own any agricultural land, thereby facilitating wrongful disbursement of government subsidy amounts. The inquiry committee has assessed the total embezzlement at Rs. 1,59,30,143/-, out of which an amount of Rs. 82,17,588/- is stated to have been deposited. On perusal of the investigation papers, statements of several witnesses whose names were included as beneficiaries, though they did not own agricultural land, have been recorded. Statements of witnesses including Somnath Ganesh Sarfale, Avinash Anil Jadhav, Nirmala Vishal Rathod, Ankush Hari Jadhav, Vishal Uttam Rathod, Deepak Atmaram Rathod, Arvind Kailas Rathod and Samadhan Savji Rathod prima facie indicate that subsidy amounts were credited in their names despite their ineligibility. The cumulative amount reflected through such witness statements runs into substantial figures. The investigation further reveals that Gram Panchayat certificates issued by Sarpanchs of Pangri and Kavdgaon villages categorically certify that numerous individuals whose names appear in the beneficiary lists are not residents of those villages and do not own agricultural land therein. The amounts credited in their names are also reflected in the investigation papers. These certificates constitute documentary material corroborating the allegations arising from the witness statements. It has also emerged from the investigation that the lists of beneficiaries, which were required to be submitted through a prescribed official email channel along with crop-wise inspection reports, were additionally transmitted through WhatsApp. The statement of Sushil Jadhav, a revenue assistant already arrested in the crime, discloses that the applicant, along with his assistant, sent as many as 33 lists of alleged bogus account holders via WhatsApp on various occasions, suggesting deviation from prescribed procedure. The investigation papers further indicate that the applicant prepared forged 7/12 extracts pertaining to land records in order to reduce his own liability and presented the same before the inquiry committee as genuine. The forged extracts relating to Davargaon village survey numbers have been specifically noted in the investigation record. Statements and documentary material also disclose that amounts were credited in the names of the applicant's relatives, including paternal relatives, despite their ineligibility, and that an attempt was made to subsequently get certain names deleted from the inquiry data to reduce exposure.

. It is further submitted by the learned Government Pleader that having regard to the nature of the allegations, the volume of documentary evidence, the statements of multiple witnesses, the preparation of forged land records, the use of unofficial communication channels, and the need to identify the beneficiaries, intermediaries and the flow of funds, the investigation is stated to be still in progress.

13. I have considered the submissions made by the learned Senior Counsel Mr. Patil, and the learned Government Pleader, Mr. Girase, and have also gone through the documents relied upon by Mr. Patil as well as the investigation papers relied upon by Mr. Girase. A perusal of the Government Resolution dated 24.01.2023 shows that on the lines of the loan waiver scheme introduced in the year 2019, the natural calamity compensation scheme was introduced by the Government vide the said resolution. The Applicant was working as a Talathi/Assistant Revenue Officer and was entrusted with the task of preparing the list of beneficiaries to whom compensation was to be disbursed under the aforesaid schemes.

. Taking into consideration the large-scale embezzlement, the Collector appointed a Three-Member Committee to inquire into the allegations of wrongful disbursement of compensation to beneficiaries who were not entitled to it. The Inquiry Committee has attributed the misappropriation of Rs. 1,59,30,143/- to the Applicant. The Applicant though has deposited an amount of Rs.82,17,588/-, however an amount of Rs. 77,12,555/- is yet to be recovered as could be seen from the investigation papers.

14. The statements of Somnath, Avinash, Nirmala, Ankush and others would clearly show that they have received the amount with the assistance of the present Applicant despite being ineligible to receive the compensation. The Gram Panchayats of villages Pangri and Kavadgaon have certified that the villagers who received compensation and were shown as residents of the aforesaid villages are, in fact, not residents of those villages. The Applicant is also alleged to have submitted a list of 33 beneficiaries on WhatsApp to the arrested accused Sushil Jadhav, which itself is indicative of his involvement. The Applicant further included the names of his close relatives, namely Rama Gadekar, Bhagwan Gadekar, Vishnu Gadekar, and Rushikesh Gadekar. The aforesaid persons were also not residents of village Ambad but belonged to different villages.

15. The Applicant is also alleged to have deleted the names of Alka Waghude, Chagunabai Rathod, Lahu Rathod, Parvatibai

Waghude, Sanika Burle, Satish Tote, Nivrutti Kothalkar, Raju Telangre and Shivhari Kotharkar from the data which was supplied to the Three-Member Committee.

. The aforesaid deletion was carried out by the Applicant with the assistance of co-accused Dinesh Berad. The Applicant is also alleged to have prepared bogus 7/12 extracts of village Davargaon and to have drawn compensation in the names of persons who were not entitled to receive the same. Thus, there is ample evidence to bring home the guilt of the Applicant in the said crime. The investigation cannot be carried out without custodial interrogation of the Applicant. The investigation involves scrutiny of various amounts transferred in the names of ineligible farmers. The investigation is complex in nature and extends across multiple accused persons and as such the custodial interrogation of the Applicant would be necessary to conduct the investigation from all angles.

16. 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.

17. 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."*

18. 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 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, 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.