IN THE HIGH COURT OF JUDICATURE AT BOMBAY NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (ABA) NO. 240 OF 2026

GAJENDRA MADHUKAR BALAPURE
VS
STATE OF MAHARASHTRA THR. PSO PS-URAL, DIV. BALAPUR, AKOLA DIST. AKOLA

WITH
CRIMINAL APPLICATION (ABA) NO. 302 OF 2026

PRAVIN PRALHAD MORE
VS
STATE OF MAHARASHTRA THR. PSO PS-URAL, DIV. BALAPUR, AKOLA DIST. AKOLA

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Shri S.M.Vaishnav, Advocate for applicant(s).
Shri A.M.Ghogare, APP for respondent/State.

CORAM: RAJNISH R. VYAS, J.

DATED : 29th APRIL, 2026.

Heard.

2. Apprehending arrest, the applicants in these two applications who are accused named in the First Information Report bearing No. 147/2026, dated 12/03/2026, registered with Ural Police Station, District Akola for commission of offence punishable under Section 420 r/w. Section 34 of Indian Penal Code, 1860, have approached this Court

3. The applicant Gajendra was appointed as a Gram Sevak and at the time of commission of offence, he was working in Gram Panchayat, Lohara. The applicant by name Pravin More was occupying the post of Sarpanch at the time of commission of offence. The reporter of the crime is one Gangadhar Gundekar who was working on

the post of Block Development Officer, Panchayat Samiti, Balapur. In short, it is the case that Criminal Writ Petition Nos. 169/2023 and 427/2023 were filed before the Hon'ble Division Bench of this Court, which was decided by this Court. It was observed in those petitions that, the respondent(s) therein shall act in terms of provisions of the law including Section 154 of the Criminal Procedure Code, 1973. This order prompted the complainant to lodge the FIR. It was alleged in the FIR that during the period from 24/11/2022 till 19/04/2023, it was found that the amount of Rs. 34,59,080/- was withdrawn. It was further stated that, it was suspected that, the applicants had misappropriated the amount. The allegations pertaining to 40 transactions mentioned in the report can be summarized as under:-

(a) The amount was withdrawn from the cash-book but the voucher regarding the same was not found. It was also not found as to on which date and to which person, the amount was given.

(b) Though the various articles were shown to have been purchased from various enterprises, either the invoices were not found or the invoices without numbers were found.

(c) As the vouchers were not found, it could not be gathered as to for which purpose the amount was withdrawn.

(d) The amount was withdrawn, the entry of which was taken in the cash-book but the voucher could not be found.

(e) In cash-book, a particular amount was shown to have been paid for the purchase of the article so also the entry in the stock register is taken, but either voucher was not found or voucher without invoice was found.

(f) Though in cash-book, it is shown that the amount was paid to the said enterprises, neither any estimate, measurement book or e-tender file could be found.

(g) Though the amount was shown to have been withdrawn in cash-book, the purpose for which and the person to whom it was given, was not mentioned and also vouchers were not found.

(h) Though the amount was shown to have been withdrawn for making payment to the labourers, voucher was not found.

4. The learned counsel for the applicants in the aforesaid background has contended that the applicants are not at all responsible as the photographs filed on record would show that the goods were already delivered. He further argued that the allegations would, at the most, constitute an irregularity and not an offence. According to the learned counsel for the applicants, though the FIR is based on earlier inquiry conducted but the applicant Pravin was not heard during the inquiry and therefore, he submitted a detailed representation requesting an opportunity to present his case. He submitted that, there are no specific allegations in the FIR against the Sarpanch.

5. He also argued that the period of offence was from November, 2022 to April, 2023, whereas the FIR was lodged in the month of March, 2026. The learned counsel for the applicants argued that the offence registered is punishable with imprisonment upto 7 years and therefore, the mandate of Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') ought to have been honoured by the investigating officer. He also relied upon the judgment passed by the Hon'ble Apex Court in the case of ***Satender Kumar Antil V/s. Central Bureau of Investigation and anr. {Order passed in MA No. 2034/2022 in MA No. 1849/2021 in Special Leave Petition (CRL.) No. 5191/2021 with connected matter}.*** Finally, he contended that on 30/03/2026, the applicant in ABA No. 240/2026 and on 22/04/2026, the applicant in ABA No. 302/2026 were granted ad-interim anticipatory bail, under which, they have attended the Police Station and have cooperated the investigating agency.

6. Per contra, the learned APP has argued that the applicants have systematically caused loss to the State by misappropriating the amount and the investigation paper would reveal that the documents were tampered.

7. He submitted that, there was no requirement to grant hearing to the applicant Pravin while conducting the inquiry and that would not be a ground to extend the benefit of anticipatory bail.

8. He argued that, the statement of Khushal Sahebrao Deshmukh who is the proprietor of 'SAHIL

Enterprises' would reveal that he was shown several vouchers and after perusing them, he had stated that the details giving the bill number, date and the supply of article were different. He, in his statement, has further stated that, the articles mentioned in some of the vouchers were not supplied by him. The learned APP then contended that it is a clear case of forgery and cheating so also embezzlement of the government amount. He argued that *prima facie* case is made out from the FIR.

9. With the assistance of respective learned counsels, I have gone through the record produced before me. The informant in the FIR has categorically stated that the amount of Rs. 34,59,080/- was involved in the crime, which was misappropriated during a period from 24/11/2022 to 19/04/2023. As already stated in some of the cases, the vouchers were not bearing the invoice numbers and in some, the purpose for which the amount was taken, is not mentioned. It further shows that though in the cash-book it was shown that the payment was made to the labourers but the vouchers were not found on the record. It cannot be ignored that the applicant Pravin was working on the post of Sarpanch whereas the applicant Gajendra was working on the post of Gram Sevak during the said period. Considering the statement of the proprietor of 'SAHIL Enterprises' that there is a difference in the bill number, date and article supplied, it is *prima facie* clear that the forged documents were prepared. The investigation of the crime is at initial stage and just because the applicants are on ad-interim anticipatory bail,

that by itself would not be a ground to grant anticipatory bail.

10. The contention of the applicants that there is a delay in lodging the FIR, is not appealable as it is after intervention of the Hon'ble Division Bench of this Court, that the matter was taken to the logical end by filing the FIR.

11. The ratio in the case of ***Satender Kumar Antil*** (*supra*) cannot at all be disputed. The Hon'ble Apex Court in the said judgment has observed that the notice under Section 35(3) of the BNSS to an accused is rule. In the present case, it has been categorically mentioned that, the Investigating Officer tried to serve the notice to the applicant(s), but from the date of registration of FIR, the applicant was absconding (reply in ABA 240/2026). The argument of the learned counsel for the applicants that there are no specific allegations against the Sarpanch, ignores the fact that the allegations are very specific against the Sarpanch/applicant Pravin. Since a huge government money of Rs. 34,59,080/- is involved and *prima facie* case is made out, I am not inclined to entertain the present applications. Hence, the applications are **rejected**.

(RAJNISH R. VYAS, J.)

B.T.K.

Signed by: Mr. B.T. Khapekar
Designation: PA To Honourable Judge
Date: 30/04/2026 20:30:26