

MHBU040002882026



Order below Exh. 1 in Anti.Cri.Bail Application No.85/2026
(Manasi Nilesh Adbe Vs. State of Maharashtra)
(Passed on 16.3.2026)

1. Apprehending the arrest in Crime No.54/2026 applicant/accused namely Manasi Nilesh Adbe has preferred anticipatory bail application under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, registered at Police station Khamgaon Rural for the offence punishable under Sections 316(2), 316(5), 318(1), 336, 337 of the Bharatiya Nyaya Sanhita, 2023.

2. Investigating officer and learned APP Ms. R.D.Bawaskar have resisted the application by filing say at Exh.8. It is contended that applicant/accused is not residing at Headquarter, however, submitting the resolution in that respect, has cheated to the Government. It is necessary to trace out who assisted to the accused for committing the offence of cheating . It is contended that the resolution of Grampanchayat produced at Zillha Parishad School is necessary to verify it. It is contended that if accused released on bail, then she will pressurize the witnesses and will not attend the police Station for interrogation purpose. Hence, they requested to reject the bail application.

3. Original complainant Nilesh Suresh Gawai appeared through learned advocate Mr.M.M.Sharma and filed protest petition vide Exh.09 in the line of FIR and the say of investigating officer. Hence, requested to reject the application.

4. Learned advocate Mr.C.S.Bhate for the applicant has submitted that prima facie Section 316(5) is not attracting as per FIR. He submitted that rest of the sections provide the punishment of not more than 07 years imprisonment. He submitted that alleged offence is based on documentary evidence and the documents are in the custody of the concerned official. He submitted that as per say of investigating officer, the custodial interrogation of the applicant is not necessary. She is serving as a teacher and no possibility of her absconding. It is further submitted that applicant is ready to cooperate in investigation and abide each and every condition imposed while releasing on bail. Therefore, he urged for releasing the applicant on anticipatory bail.

He relied upon the following authorities :-

- [1] **Sheela Dibkar Pawar V/s. The State of Maharashtra, 2022 ALL MR (Cri) 3916**, in which the Hon'ble Bombay High Court Bench at Aurangabad, releasing the accused on anticipatory bail for the offence punishable u/s 408, 409, 420 r/w Section 34 of IPC, has observed that "the entire record is with the office. In view of the facts of the case and the investigation to be made in this case by the investigating officer, this Court is of the view that in any case, the custodial interrogation of the applicant would serve no purpose. If required, the investigating officer may recover such account book and other documents from the office of the Chief Executive Officer of Village Panchayat."

[2] **The State of Maharashtra V/s. Naresh Rajeshwarrao Patil, 2016 ALL MR (Cri) 2888**, in which the Hon'ble Bombay High Court Bench at Aurangabad, while releasing the accused on anticipatory bail for the offence punishable u/s 420, 467, 468, 471, 201 of the IPC, has observed that "two principle has to be kept in mind while considering the prayer for grant of anticipatory bail. They are (i) there should be no likelihood of accused absconding (ii) there should be no likelihood of accused misusing his liberty. In so far as, presence of the accused for investigation purpose is concerned, it cannot be a ground to claim custodial presence."

5. Learned APP Ms. R.D.Bawaskar, has argued as per the say Exh.8 and urged to reject the application.

6. Learned advocate Mr. M.M.Sharma, for original complainant has argued at length in line of protest petition Exh.9 and urged to reject the application.

7. I have considered the submissions of both side. Perused the application and say filed by the prosecution as well as original complainant. I have gone through the entire documents and police papers placed on record. Perused the authorities cited supra by the applicant.

8. After perusal of the FIR, it shows that complainant Nilesh Suresh Gawai, R/o. Awar, Tq. Khamgaon, Dist.Buldhana, has filed the Cr.Misc.Application No.230/2025 against the applicant u/s 175(3) of the BNSS to give direction to the police station Khamgaon Rural for investigation for the offence punishable u/s 316(2), 316(5), 318(1),

336, 337 of the BNS 2023 before the Judicial Magistrate First Class Court No.2, Khamgaon. The learned JMFC Court No.2 Khamgaon has allowed the application and directed the police station Khamgaon Rural for investigation u/s 175(3) of BNSS. Accordingly, the police have registered the FIR.

9. As per contents of FIR, applicant/accused is serving as a teacher in Jilha Parishad High School at village Awar. As per rules of the school of Jilha Parishad, a teacher should be resided at headquarters and it is necessary for them to give a residential address and house rent to the office of the Jilha Parishad Khamgaon. It is alleged that applicant has given information to the headmaster of Jilha Parishad Awar that since last two years, she is residing in the house of complainant at village Awar. When complainant came to know about the said fact, he on 10.7.2025 gave application to the headmaster of Jilha Parishad High School Awar under Right to Information Act and got information vide letter dated 11.7.2025 that applicant/accused on the basis of document provided to the office since last two years she is residing in the house of complainant. There is no other person namely Nilesh Suresh Gawai at village Awar except the complainant. He is not having house at village Awar. The house where he is residing is in the name of his wife Ashwini Nilesh Gawai. He has never executed house rent agreement, rent receipt and other documents in favour of accused and accused is not residing in his house. He has not received house rent from the applicant/accused. It is alleged that accused without consent of complainant, has prepared false and bogus

documents and getting the house rent allowance by cheating to the Government.

10. It appears that the headmaster of Jilha Parishad High School Awar or any other official of the office of Jilha Parishad Khamgaon have not lodged the report against the applicant/accused. As per complaint, the headmaster of the Jilha Parishad High School Awar has provided information to the complainant that accused is residing in the house of complainant at Awar on the basis of document. Prima facie it shows that those documents are in the custody of headmaster of the Jilha Parishad High School Awar. Section 316(5) provides the punishment of imprisonment for life, or imprisonment for 10 years and fine. Rest of the offences provides the punishment of not more than 07 years imprisonment. Applicant is serving as a teacher and permanent resident of Sutala Khurd, Tq. Khamgaon therefore, no possibility of her absconding. Alleged offence is based on documentary evidence. As per say of investigating officer, the custodial interrogation of the applicant is not seems to be necessary. Moreover, she is ready to co-operate the police in investigation and abide each and every condition imposed, if she released on anticipatory bail. Therefore, though the prosecution has resisted the application, but if applicant/accused released on anticipatory bail on certain conditions, then prosecution will not be prejudiced. Hence, in the light of observation of the Hon'ble Bombay High Court in the cases cited supra, the application deserves to be allowed. In result, I pass the following order :-

ORDER

- 1] Application Exh.1 is allowed.
- 2] In the event of arrest of the applicant/accused namely Manasi Nilesh Adbe, shall be released on bail in connection with Crime No. 54/2026, registered with Police station Khamgaon Rural for the offence punishable under Sections 316(2), 316(5), 318(1), 336, 337 of the Bharatiya Nyaya Sanhita, 2023, on her executing PR bond of Rs.25,000/- (Rs.Twenty Five thousand only) with one solvent surety in the like amount on conditions that:-
 - [i] She shall remain present at the concerned police station as and when required by the investigating officer.
 - [ii] She shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade the witness from disclosing such facts to the Court or to any Police Officer.
 - [iii] She shall not pressurize the complainant and prosecution witnesses.
 - [iv] On breach of any condition of bail order, prosecution will be liberty to apply for cancellation of bail.
- 3] Inform concerned police station accordingly.

(G.B.Jadhav)
Addl.Sessions Judge, Khamgaon,
Dist. Buldhana.

Dated: 16.3.2026

Certificate

I certify that this order PDF uploaded is a true and correct copy of original signed order.

Name of Steno : Mrs. Nishat Anjum Mohd. Rafique.

Name of Court : Addl. Sessions Judge, Khamgaon.