

CNR-MHPA100003022026



Cri. Bail Application No.88/2026
Order Below Exh.1

Nagnath Latpate V/s State of Maharashtra

01. The present application is filed by applicants Nagnath S/o Vishwanath Latpate and Mahananda W/o Nagnath Latpate under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking anticipatory bail in the event of their arrest in connection with Crime No. 350/2026 registered with Police Station Gangakhed for the offences punishable under Sections 406, 409, 420, 468, 471 read with Section 34 of the Indian Penal Code, pursuant to the order passed by the learned Additional Chief Judicial Magistrate, Gangakhed, in Criminal M.A. No. 129/2024 under Section 175(3) of the BNSS directing registration of the offence.

02. The prosecution case, as revealed from the complaint lodged by informant Suresh Manikrao Latpate, is that accused No.2 Mahananda Latpate was serving as Sarpanch of Gram Panchayat Kodri, while accused No.1 Nagnath Latpate was allegedly managing the affairs of the Gram Panchayat. It is alleged that under the Jal Jeevan Mission Scheme, a Tap Water Supply Scheme worth Rs.1,61,73,700/- was sanctioned for village Kodri. The accused persons, in connivance with other co-accused and concerned officials, allegedly prepared false Gram Sabha records, forged signatures, and fabricated documents regarding donation and acquisition of land meant for construction of a source well and overhead water tank. It is further alleged that the construction was carried out on Government land belonging to the Irrigation Department without obtaining mandatory

permissions and NOCs. On the basis of false inspection reports and fabricated records, running bills amounting to approximately Rs.73,03,303/- were sanctioned and released. The accused thereby allegedly misappropriated Government funds and committed offences punishable under Sections 406, 409, 420, 468, 471 read with Section 34 of the Indian Penal Code.

03. The applicants contend that they are innocent and have been falsely implicated due to political rivalry and personal vendetta. Applicant No.1 is a Headmaster in a Zilla Parishad School, whereas Applicant No.2 is an elected Sarpanch of Gram Panchayat Kodri. It is submitted that the Jal Jeevan Mission Scheme was sanctioned, tendered, and executed through the competent authorities of Zilla Parishad and that the contractor carried out the work under the supervision of Government officials. According to the applicants, the lands selected for the well and water tank were donated to the Gram Panchayat by the concerned land owners and the work was undertaken after obtaining administrative and technical sanctions. The applicants further submit that the scheme has been completed and is presently supplying water to the villagers. They contend that the allegations are based entirely on documentary evidence, that they have no criminal antecedents, and that custodial interrogation is not necessary. It is therefore prayed that they be granted anticipatory bail in the event of arrest.

04. The prosecution has strongly opposed the application. It is submitted that the offence pertains to serious economic and corruption-related misconduct involving misappropriation of public funds under the Jal Jeevan Mission Scheme. According to the prosecution, forged

documents and fabricated resolutions were prepared by the accused persons and signatures of Gram Panchayat officials were falsely used. The investigation is at a preliminary stage and important aspects such as verification of signatures, collection of original documents, examination of witnesses, and inquiry regarding construction on Government-acquired land are yet to be completed. The prosecution further contends that if anticipatory bail is granted, there is a possibility that the applicants may influence witnesses, tamper with documentary evidence, and obstruct the investigation. Therefore, custodial interrogation of the applicants is necessary and the application deserves to be rejected.

05. The complainant has also opposed the grant of anticipatory bail. It is submitted that though Applicant No.2 was the elected Sarpanch, Applicant No.1 was actively controlling and managing the affairs of the Gram Panchayat and was preparing official documents and correspondence. The complainant alleges that the applicants, in conspiracy with other accused persons, deliberately changed the sanctioned locations of the well and water tank and created false documents showing donation of land. It is further alleged that forged signatures of Gram Panchayat members and Gram Sevak were used in resolutions and communications addressed to various Government departments. According to the complainant, the entire misappropriation was a pre-planned act committed by abusing official positions and causing loss to the Government exchequer. The complainant contends that original records are still within the control of the applicants and that custodial interrogation is essential for recovery of documents, tracing the flow of misappropriated funds, and conducting an effective investigation. Hence, the complainant has prayed for rejection of the anticipatory bail application.

06. I have heard the learned advocate for the applicants, the learned APP for the State, and the learned advocate appearing for the informant. I have also perused the application, FIR, complaint, investigation papers, and the documents placed on record. The applicants seek anticipatory bail in connection with Crime No.350/2026 registered for the offences punishable under Sections 406, 409, 420, 468, 471 read with Section 34 of the Indian Penal Code. The allegations against the applicants arise out of implementation of the Jal Jeevan Mission Scheme in village Kodri. According to the prosecution, the applicants, in connivance with other accused persons, prepared false resolutions and fabricated documents, changed the sanctioned locations of public works, and thereby facilitated release of Government funds on the basis of false records. The prosecution further alleges that public money earmarked for a welfare scheme was misappropriated by adopting fraudulent means. Thus, the accusations are serious in nature and relate to alleged misuse of public funds and forgery of official documents.

07. The learned advocate for the applicants submitted that applicant No.1 is serving as a Headmaster in a Zilla Parishad School and applicant No.2 is an elected Sarpanch of Gram Panchayat Kodri. It is argued that the entire scheme was sanctioned by the competent authorities and the actual execution of work was carried out by the contractor under the supervision of technical officers of the Zilla Parishad. According to the applicants, the lands required for construction of the well and water tank were donated by the respective landholders and the project has already been completed and is presently benefiting the villagers. It is further submitted that the allegations are politically motivated and that no criminal antecedents are attributed to the applicants. The learned advocate

contended that the entire prosecution case rests upon documentary evidence already available with the investigating agency and, therefore, custodial interrogation is not required. The applicants have expressed their readiness to cooperate with the investigation and abide by any condition imposed by the Court.

08. In support of the above submissions, reliance is placed upon the decision of the Hon'ble Supreme Court in **Ashok Kumar Vs. State of Union Territory, Chandigarh, reported in 2024 (12) SCC 199**. In the said case, the Hon'ble Supreme Court observed that a mere assertion by the prosecution that custodial interrogation is required would not by itself justify denial of anticipatory bail. The Court further held that where the accused has cooperated with the investigation and the investigating agency fails to demonstrate any specific necessity for custodial interrogation, protection under Section 438 of the Code may be granted subject to appropriate conditions. Reliance is also placed upon the decision of the Hon'ble Supreme Court in **Pradip N. Sharma Vs. State of Gujarat, 2025 SCC Online SC 457**, wherein anticipatory bail was granted to a public servant accused of misuse of official position. The Hon'ble Supreme Court observed that where the allegations substantially rest upon documentary evidence already available with the investigating agency and custodial interrogation is not shown to be indispensable, anticipatory bail can be granted subject to conditions ensuring cooperation with the investigation. The principles laid down in the aforesaid decisions are well settled and there cannot be any dispute regarding the same.

09. However, every application for anticipatory bail is required to be decided on its own facts and circumstances. The ratio laid down in the aforesaid judgments cannot be applied mechanically without examining

the nature of allegations and the stage of investigation in the present case. The investigation papers reveal that the allegations are not confined merely to interpretation of official documents or administrative irregularities. The prosecution has specifically alleged preparation of forged resolutions, fabrication of records, use of false signatures, and submission of misleading information to Government authorities for obtaining financial benefits under the scheme. Therefore, the role attributed to the applicants requires deeper scrutiny during the course of investigation.

10. A significant circumstance emerging from the investigation is the statement of Maroti Baburao Mundhe, the then Village Development Officer/Gram Sevak. His statement reveals that the disputed resolution was never passed before him. He has categorically stated that the said resolution is not in his handwriting and that he has not signed the same. Prima facie, this statement lends substantial support to the allegation that fabricated documents were created and used in the affairs of the Gram Panchayat. The prosecution has also pointed out that the disputed resolutions bear signatures purportedly made on behalf of public functionaries and members of the Gram Panchayat. The authenticity of such documents, the identity of the persons responsible for their preparation, and the circumstances under which they were utilized are all matters requiring thorough investigation. At this stage, the statement of the Village Development Officer cannot be ignored while considering the prayer for anticipatory bail.

11. The investigation is admittedly at a preliminary stage. The investigating agency is yet to collect original records, verify disputed

signatures and handwriting through expert opinion, ascertain the source and preparation of the alleged forged documents, and determine the precise role of each accused. The prosecution has also pointed out that inquiries regarding the alleged encroachment upon Government land and the release of substantial Government funds under the scheme are still in progress. The alleged acts involve public money meant for a welfare scheme intended to provide drinking water facilities to villagers. The gravity of the allegations and the larger public interest involved therein cannot be overlooked while exercising discretionary jurisdiction under Section 482 of the BNSS.

12. The contention that the case is based entirely on documentary evidence and therefore custodial interrogation is unnecessary does not appear acceptable in the peculiar facts of the present case. The issue before the investigating agency is not merely examination of existing documents but also discovery of the circumstances in which the disputed resolutions came into existence, identification of persons involved in their preparation, and tracing of the alleged conspiracy amongst the accused persons. The investigation also seeks to ascertain the manner in which permissions, sanctions, and financial benefits were allegedly obtained on the basis of such documents. These aspects may require effective interrogation of the accused persons. The necessity of custodial interrogation cannot therefore be ruled out at this stage merely because some documentary material has already been collected.

13. Another relevant consideration is that applicant No.2 is admittedly the Sarpanch of the concerned Gram Panchayat and applicant No.1 is alleged to have actively participated in the affairs of the Gram

Panchayat. During the course of hearing, the Investigating Officer personally appeared before the Court and submitted that the physical presence of the applicants is necessary for carrying out an effective investigation. The Investigating Officer further submitted that despite registration of the offence, the applicants are not extending full cooperation to the investigating agency and their custodial interrogation is required for collection of material evidence and verification of disputed documents. The prosecution has also expressed apprehension that grant of anticipatory bail may result in influence being exerted upon witnesses connected with the Gram Panchayat administration and the scheme in question. Though such apprehension by itself may not be decisive, the same assumes significance in view of the submission of the Investigating Officer regarding the non-cooperative attitude of the applicants and the requirement of their physical presence for investigation. The investigation is still in progress and material witnesses are yet to be examined. Therefore, the possibility of interference with the course of investigation or obstruction in collection of evidence cannot be completely ruled out at this stage.

14. Considering the nature and gravity of the accusations, the specific allegations regarding fabrication of resolutions and signatures, the statement of the Village Development Officer disowning the disputed resolution, the stage of investigation, and the necessity of conducting a free and effective investigation, I am of the considered opinion that the present case stands on a different footing from the cases relied upon by the applicants. The applicants have failed to establish that this is a fit case for exercising the extraordinary discretionary relief of anticipatory bail.

Consequently, I hold that the applicants are not entitled to the relief sought. In view of my above discussion, the following order is passed.

ORDER

01. Anticipatory Bail Application No. 88 of 2026 is rejected.
02. Anticipatory Bail Application No. 88 of 2026 is disposed of accordingly.

Date: 11.06.2026

(V. M. Sundale)
Additional Sessions Judge,
Ad-hoc Court No.1, Gangakhed