
(2025) 11 MP CK 1982

In the Madhya Pradesh High Court, Gwalior Bench

Case No : Miscellaneous Criminal Case No. 51088 Of 2025

Dayanand @ Dayaram Shivhare

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 13-11-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 482, 482(2),
Bharatiya Nyaya Sanhita, 2023 — Section 61(2), 316(5), 318(4)
Prevention Of Corruption Act, 1988 — Section 13(1)A

Citation : (2025) 11 MP CK 1982

Hon'ble Judges : Rajesh Kumar Gupta, J

Bench : Single Bench

Advocate : Ankur Maheshwari, Saket Udeniya

Final Decision : Allowed

Judgement

Rajesh Kumar Gupta, J

1. This is the first bail application filed by the applicant under Section 482 of BNSS, 2023, seeking grant of anticipatory bail in connection with Crime No.242/2025 registered at Police Station Kotwali, District Shivpuri (M.P.) for the commission of offence under Section 318(4), 316(5), 61(2) of BNS and Section 13(1)A of Prevention of Corruption Act.

2. The case of the prosecution, in short, is that the Senior Treasury Officer submitted a written complaint on 26.03.2025, to the SHO, Police Station Shivpuri. It was mentioned in the complaint that, during the period from the financial year 2018-19 to 2022-23, the present applicants, who were posted as Drawing and Disbursing Officers (DDOs), negligently provided their login ID and password to one Gaurav Shrivastava (Outsourced Computer Operator). Subsequently, Gaurav Shrivastava transferred a certain amount to four other individuals, namely Saurabh Shrivastava, Shahrukh Khan, Nasim Khan, and Dhulaji. On the basis of this complaint, the aforesaid FIR was lodged.

3. It is submitted by counsel for the applicants that the applicants are innocent and have been falsely implicated in the matter. As per the prosecution story, the allegation against the present applicant is that he had provided their login ID and password to Gaurav Shrivastava (Outsourced Computer Operator). Except for this, there is no allegation against the present applicant regarding the misappropriation or embezzlement of funds. Therefore, prima facie, the offence of cheating and forgery is not made out against the applicant. It is further submitted that the aforesaid IDs and passwords are, in general, used by the subordinates of the Officers/present applicants like computer operator for making the transactions of any kind of work and releasing of salary. Only allegation is that during the aforesaid defalcation of money, the present applicant was holding that post, under capacity of which, the alleged transaction have been made. It is further submitted that the main accused is the Computer operator, and even the memorandum of the main accused-Gaurav Shrivastava/computer operator has not stated anything against the present applicant. It is also submitted that, during the investigation, it was found that co-accused Gaurav Shrivastava transferred the funds to his associate's accounts by using the login ID and password. It is further submitted that there is no allegation in the case diary that any amount was transferred to the accounts of the present applicant. It is also contended that the inquiry conducted by the authorities is also faulty because prior approval is also not sought from the State Govt. Under these circumstances, entire prosecution story in respect to present applicant becomes doubtful. It is further submitted that other co-accused persons have already been granted bail by this Court vide order dated 17.10.2025 passed in M.Cr.C. No. 47964 of 2025, therefore, he seek complete parity with that of co-accused persons. Further argument is that applicant is the permanent residents of District - Shivpuri and are the reputed citizens of the society. In case he is sent to jail, their social reputation would get diminished. There is no possibility of his absconson or tampering with the prosecution evidence. Hence, prayed for grant of anticipatory bail to the applicant.

4. On the other hand, the learned Public Prosecutor appearing for the State opposed the bail application, stating that there is sufficient material available in the case diary to implicate the present applicants. It is further submitted that present applicants are very much instrumental in the aforesaid defalcation of public funds and all the applicants hold posts of dignity and, being Officers in-charge, they casually provided their ID and password to a person who was temporarily working as an outsourced employee. It is further submitted that the investigation is ongoing; therefore, at this stage, the present bail application deserves to be dismissed. However, he fairly admits that his case has complete parity with the co-accused who have been granted anticipatory bail by this Court.

5 . Heard learned counsel for the parties and perused the case diary available on record.

6. Considering the submissions made by the parties and the fact that the case

diary shows no embezzled money has been transferred to the accounts of the applicant, his family members, or his relatives, it is clear that none of the three applicant received any benefits, in cash or kind, from the main accused-Gaurav Shrivastava. Furthermore, the report was lodged on the basis of a report given by a committee in compliance with the Collector's directions. This report indicates that the only lapse committed by all three applicants was the negligent provision of their IDs and passwords, an oversight which represents a general tendency in many Government Offices. The allegation of embezzled money is specifically against the co-accused, Gaurav Shrivastava, and four other persons so also the fact that co-accused have been granted anticipatory bail by this Court, but without expressing any opinion on the merits of the case, this Court is of the considered view that the applicant may be granted bail. Hence, the application is allowed and it is directed that in the event of arrest the applicant be released on bail on executing a personal bail bond in the sum of Rs.1,00,000/- (Rupees One Lac Only) with one solvent surety in the like amount to the satisfaction of Arresting Officer/Investigating Officer.

7. The applicant shall further abide by other conditions enumerated under section 482(2) of the BNSS and shall cooperate in the investigation, otherwise this bail order shall automatically stand cancelled.