

**ORDER BELOW BAIL APPLICATION OF ACCUSED AT EXH.230 IN
RCC NO.281/2022**

(CNR No.MHAH250020892022)

This is an application by accused praying to release him on bail.

2. It is submitted by accused that, case is pending for examining the witness no.22 by prosecution. Due to the rejection of application filed by prosecution for examining the witness Rudra Dutt by this Court on 03/11/2025, prosecution preferred revision before Hon'ble Sessions Court, Ahmednagar which came to be allowed on 21/01/2026. Thereafter, witness summons was issued to witness Rudra Dutt on 22/1/2026 and it was served to the witness and it is seen that, the said witness is delaying the Court proceedings deliberately since 14/10/2025. The accused is in jail since 12/05/2022 and all the witnesses including I.O. have been examined and witness namely Rudra Dutt is yet to be examined who is delaying the proceeding to harass the accused. Accused has undergone period of more than 33 months in jail and considering the period undergone and to avoid affecting the education of his children and considering his old aged parents and his wife, accused be released on bail. Witness Rudra Dutt is residing out of Maharashtra and hence, there is no question of threatening the said witness or tampering the witness. After examining the one witness for prosecution, accused side is going to examined four witnesses as defense witnesses and it is going to consume time and hence, accused be released on bail. Accused is ready to abide the conditions of bail and he is ready to attend the Court on each date. Considering all the evidence recorded before the Court and considering the period undergone by accused in jail, accused be released on bail.

3. APP submitted his say at Exh.231. It is submitted by prosecution that, prosecution has examined 21 witnesses till today. Witness no.22 has been served with summons via WhatsApp and in that regard his head office could not be communicated urgently or he did not receive the permission to leave the headquarters. Witness has not been served with summons in person and hence, he could not be communicated to appear before the Court. Accused was absconding after being released on bail. His earlier bail application was rejected. There is no change in circumstances to grant bail to accused. Hence, prayed to reject the application.

4. Heard both the sides. Perused record. I have gone through FIR which is lodged by Manager of Central Bank of India, Regional office, Ahmednagar. The allegations pertain to the accused working as a bank friend in Central Bank of India and working as a mediator between bank and account holders to help the account holders to facilitate the bank transactions. However, it has been alleged that accused has accepted money from account holders for making fixed deposit receipts, however, he has allegedly misused those amounts given by account holders by depositing those amounts in his own account. Further, it is also alleged that the accused has forged fixed deposit receipts by forging signatures and seal of the bank. Several account holders have raised grievances and during inquiry it was revealed that accused has allegedly misappropriated amount of Rs.49,33,000/-. The FIR hence came to be registered for offences p/u/s.406, 408, 464, 465, 467, 468, 471 and 420 of IPC. The alleged offences therefore relate to criminal misappropriation, criminal breach of trust, forging the documents and offence of cheating.

5. Record shows that after framing of the charge against the accused by my learned predecessor, this Court has examined 21 witnesses till today. Case is pending for examining witness namely Rudra Dutt. Revision application of prosecution has been allowed by Hon'ble District Court, Ahmednagar. Thereafter, Court has again issued witness summons to Rudra Dutt. Adv. for accused has argued that, one prosecution witness is yet to be examined and he intends to examine four defense witnesses which would take time and hence, considering such aspect and considering the time undergone by accused in jail, the situation regarding education of his children and his old aged parents and wife, it has been prayed by Adv. for accused to release the accused on bail. However, it needs to be considered that, the alleged crime is a huge economic offence involving Rs.49,33,000/- and considering such economic offence, it would not be proper to release the accused on bail. Moreover, it is important to consider that, Hon'ble High Court had passed an order of releasing the accused on bail on a condition to deposit Rs.5,00,000/- within 8 days from the date of order of Hon'ble High Court and to deposit the remaining amount of Rs.14,75,000/- in installments as per his convenience within 6 months from the date of depositing Rs.5,00,000/- in trial Court and if he fails to deposit the remaining balance amount of Rs.14,75,000/- within 6 months accused was directed to surrender before the concerned Court. Accused deposited Rs.5,00,000/- amount in the Court, however, he failed to deposit the remaining amount Rs.14,75,000/- within prescribed time and therefore, he surrendered himself and he was taken into judicial custody on 15/06/2024. Hence, the factual position which remains in existence till today is that, accused has failed to comply the conditional bail order of Hon'ble Bombay High Court. The grounds

mentioned by accused in present bail application do not indicate any change in circumstances for grant bail to the accused. Considering the gravity of the offences and the nature of the offences alleged to have been committed, in view of the aforesaid reasons, the bail application needs to be rejected. Hence, I do not deem it appropriate to grant bail to the accused. Hence, the order:

ORDER

Application is rejected.

Dated : 04/02/2026

(N.S. Sabnis)
Judicial Magistrate First Class,
Court No.2, Parner.