

**ORDER BELOW EXH.11 BAIL APPLICATION OF ACCUSED NO.7
HITESH ANANDA SHARDUL, JAWAHAR NAGAR POLICE
STATION, AURANGABAD.**

Read application and say. This is the bail application filed by accused No.7 releasing him on bail.

2. The Learned Advocate for accused submitted that, this accused is maternal uncle of accused No.1. This accused No.7 is from Nashik District. He was not working in Divisional Sport Complex or Centre, Aurangabad. So, he did not do anything for sending false submission for changing the email or mobile numbers to transfer the amount. There was no allegations against him for forgery made by him. In fact it was only shown that, he purchased the flat from the amount received by accused No.1. But, no such evidence. In fact accused previously purchased the flat and the accordingly the payment was made by the accused No.7 himself. There was no connection shown by prosecution that payment made from the misappropriated amount. The amount for sale deed was paid very early. So, no evidence at all against this accused that, he received any amount from any other accused. In fact the role of this accused shown to be beneficiary. But, no such evidence. This accused is very old and he is ready to cooperate the investigation. Hence, accused may kindly be released on bail. He will abide all the conditions imposed on him. In fact investigation is over and now it will take huge time to finish the trial. But, considering investigation, no question of tampering the evidence. All evidence is in documents, nobody can tamper it. Hence, application may kindly be allowed.

3. Ld. APP strongly objected and submitted that, in short case is that, accused No.1 was working as a Computer Operator on contract basis and he along with accused No.2 and accused No.3 with the help of accused No.8 and accused No.9 being a banker changed the mobile number along with the email and by some forged documents misappropriated transferred the amount. Some accused purchased the properties, gold, vehicles and other things. This was done by accused No.1. In fact accused No.1 with the help of other accused including accused No.10 and accused No.11 prepared a false account statement. But all these came to the knowledge when officer Swapnil Subnis told bank manager to send the statement of accounts of Divisional Sports Complex/Centre on official email-ID. Then this Swapnil Subnis got knowledge that, some doubtful transaction was their from 01 July 2024 to 07 July 2024 and entries made by accused No.1. Then was inquiry and FIR was lodged.

4. Ld. APP further submitted that, the bank statement of Divisional Sports Complex/Centre, and other accused including this accused were recovered. This bank statements clearly state the amount was transferred by accused No.1 to this accused and by the said amount flat was purchased. So, considering the nature of evidence definitely this accused is a beneficiary and he help to accused No.1 invest dishonest amount in property. So, the amount misappropriated was Rs.21,59,38,287/-. This amount is very huge amount belongs to the Government. If this accused released on bail then definitely being relatives of accused No.1 he may try to destroy the evidence which yet to be collected. At present this

charge sheet was filed. But considering the nature of offence still investigation is continued. This accused may help accused if released on bail to tamper the evidence. So, it will hamper on trial. Now, the charge is framed and muddemal was also called and case is ready for trial. In such case, no case made out by accused to release him on bail. Hence, application may kindly be rejected.

5. The case of the prosecution is that, the accused No.1 was working on contract basis in Divisional Sport Complex/Centre. As per the Government policy to develop the infrastructure for the sports this complex was raised and one committee form under the Head of Guardian Minister and Divisional Commissioner. Government also transferred the fund in the account of the said Divisional Sports Complex maintained in Indian Bank. However, Deputy Director sent one letter for bank statement through accused No.1 wherein accused No.1 changed email-ID by hand as well as inserted his mobile number and accordingly accused No.1 transferred amount of Divisional Sports Complex. However, for the said accused No.2, accused No.3 help this accused. Accused No.8 and accused No.9 are the bank employee. They did not properly verified and transferred the amount. Accused No.4 is the friend of accused No.1 who was beneficiary and help accused No.1 to invest dishonest amount. Accused No.5 and accused No.6 also being father and mother of accused No.1 are the beneficiary and help accused to invest the dishonest amount which misappropriated by accused No.1. Accused No.7 is the maternal uncle and accused No.7 he also received the amount from accused No.1 to invest the dishonest amount. Accused No.10 is the Government employee

and mostly he was given duty to maintain cash book, to send emails, to make correspondence, to obtain bank statement and otherwise. But, accused No.10 help accused No.1 to change the email-ID and mobile number. The accused No.11 was also shown to be the beneficiary for receipt of Rs.80,00,000/- from accused No.1.

6. Accused No.1 to 3 with the help of accused No.8 to 10 changed the email-ID of Divisional Sports Complex given to bank as well as they changed the mobile number given to the bank of concern person who was responsible who operate the account. This responsible person was Swapnil Subnis Deputy Director. This accused No.1 to 3 and 8 to 10 used internet facility and internet banking by changing email-ID and mobile number misappropriated the amount of Rs.21.59 Cr. and other accused are the beneficiary as well as help to invest dishonest amount. By this misappropriated amount accused purchased properties in Aurangabad, Navi Mumbai and in Malegaon. Accused purchased the gold, household items, vehicles. This came to the knowledge when bank statement received to this Deputy Director Swapnil Subnis for audit and found some doubtful transaction made by accused No.1. Then, the FIR was lodged and accordingly investigation was carried out. Thereafter, the accused were arrested and muddemal was seized, properties were seized, vehicles were recovered. Charge sheet was filed against accused No.1 to 11. Thereafter, the charge was framed and accused pleaded not guilty. The muddemal was called. So the matter is pending now for evidence and the bail petitions were filed by the accused.

7. This accused No.7 is a maternal uncle of accused No.1. As per the prosecution he received of Rs.24,00,000/- and he purchased flat in Malegaon by that amount and vehicle and said were seized. Admittedly, the relationship between accused No.1 and 7 not denied. Accused No.7 submitted that, he purchased the flat and himself paid the money as well as no evidence that, he received the amount. In fact after perusing the record bank statement were recovered. The bank statement clearly transpire the amount received by accused No.7 from accused No.1. Further, the flat appears to be purchased on 12.11.2024. The amount misappropriated from June 2024 to December 2024. So, it appears prima facie that, definitely amount transferred by accused No.1 used by accused No.7 to purchased the flat. It would be seen after the evidence that, such amount not received by accused No.7 and he purchased the flat by his own money, but not at this stage. So, prima facie statement of account shows accused No.7 received the amount. Further, accused No.7 is maternal uncle of this accused No.1. Accused No.1's mother and father are also accused and arrested. If this accused released on bail definitely he will try to tamper the evidence or to disposed of the evidence which yet to be recovered. It appears this offence is very serious. The Government amount of Rs.21.59 Cr. was misappropriated. In such situation it is also possible that this accused fly away which would hamper on the trial as case is ready for the trial. So, considering the role of this accused he is being beneficiary and help to invest the misappropriated amount and prima facie evidence against him, he is not entitled for bail. Thus, considering the seriousness of offence and prima facie evidence, no case made out to release the accused

on bail. Hence, I proceed to pass the following order -

ORDER

Application for bail by accused No.7 is rejected.

Date:- 17/04/2025.

(R. S. Jambotkar)
Chief Judicial Magistrate,
Aurangabad.