

ORDER BELOW EXH.12 COMMON BAIL APPLICATION OF ACCUSED NO.8 SACHIN WAGHMARE & ACCUSED NO.9 NITIN LAKHOLE, AT JAWAHAR NAGAR POLICE STATION, AURANGABAD.

Read application and say. This is the bail application filed by accused No.8 & 9 releasing them on bail.

2. The Learned Advocate for accused submitted that, these are bankers. So, whatever they received accordingly they complied and accordingly the amount was transferred as per the instruction. In fact on the same the cheque was issued was also honoured and nobody objected. So, these accused never connected with accused No.1 or any other accused, they are not beneficiaries. The charge against these accused is that, they help accused No.1 and without verifying email-ID and mobile numbers were changed and accordingly without proper authority these accused gave net banking facility to accused No.1 to the account of Divisional Sports Complex of Aurangabad. But, whatever bank received by the letter of Deputy Director, Bank officer, Banker did the same and without any intention or receiving anything they acted as per the letter. So, no prima facie evidence against them. So, no prima facie involvement of these accused. Hence, accused No.8 & 9 may be released on bail.

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 accused No.1 was given one letter by Deputy Director for obtaining account statement. But, accused No.1 changed email-ID by hand and mobile number. Accordingly, accused No.8 & 9 without verifying it from the Deputy Director changed the email-ID and mobile number and provided the internet banking facility to accused No.1 by which accused No.1 misappropriated the amount. If these accused No.8 and 9 verified it then amount would not be misappropriated and offence would not be committed. But, accused No.8 and 9 did not do so and help accused No.1 misappropriated Government amount. If they released on bail they may tamper the evidence of prosecution or may go to bank to tamper the evidence in bank. It would hamper on trial. Possibility is also that, these accused may fly away. 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.1 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 to 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 to misappropriated the amount of Rs.21.59 Cr. and other accused except accused No.8 and 9 are the beneficiary as well as help to invest dishonest amount.

7. However, accused No.8 and 9 being banker they received the letter which forged by accused No.1 by changing the email-ID and mobile number of authorized person. They without verifying the said letter from authorized person changed email-ID and mobile number and provided internet banking facility to accused No.1. Thereafter, the accused No.1 misappropriated the Government amount. So, as per the prosecution these bankers without verifying letter, authorized accused No.1 and provided internet banking facility of the account maintained for Divisional Sports Complex and thereafter the amount was misappropriated. The huge amount of Rs.21.59 Cr. was misappropriated. If these accused be released on bail definitely they will go to the bank where the account is maintain. Considering their banking relation possibility is always that, they may tamper the evidence available in the bank. These would hamper on trial. If these accused verified the letter given by accused No.1 issued by Deputy Director and

forged it by accused No.1, then such thing would not happened. Hence, it cannot be excepted at this stage that they were not involved in this offence, but prima facie they help to misappropriate the amount. In such situation this possibility is also that, if released on bail they may fly away. Hence, no case made out by accused No.8 and 9 to release on bail. Hence, I proceed to pass the following order -

ORDER

Application for bail by accused No.8 & 9 is rejected.

Date:- 17/04/2025.

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