

Before The Hon'ble C.J.M. Judge
R.C.C. - 790/2025
A.E. Ausangebed

The State

vs

Harsh Kumar & others

Sub → An Application for taking file on
today's board.

Hon'ble Sir, That the accused story most
respectfully submits as under,

That the accused want to
file bail petition before the Hon'ble court.
Hence permission may kindly be granted
to file taken on today's board &
oblige.

Date - 19-08-2025

Submitted by

Rehman
Adv. Sitaram R-Chavan

Hence it is prayed that
i) An Application may
kindly be allowed.
ii) grant permission to
file taken on today's
board & oblige.

Accused No 5
(Harsh Kumar & others)

**IN THE COURT OF HON'BLE CHIEF JUDICIAL
MAGISTRATE AT AURANGABAD**

R.C.C. NO. 790/2025

EXHIBIT NO. 141/D.

Anil s/o. Baburao Kshirsagar
Age- 47 Yrs, Occ, Labour,
R/o. Near Ayappa Mandir,
Satara Parisar, Aurangabad.

...APPLICANT

:: VERSUS ::

The State of Maharashtra,
(Though Jawahar Nagar
Police Station, Aurangabad.)

...RESPONDENT

ORDER
Call say of I.O and Ld.
APP to say.

Sd./-

Chief Judicial Magistrate at
Aurangabad.

Date -19.08.2025.

**Offence :- U/sec. 316(2), 318, 316(5), 336(2),
336(3), 338, 340(2), 61(2), 3(5), of
Bharatiya Nyay Sanhita and U/sec. 66
(C) IT Act 2000.**

**Subject :- AN APPLICATION UNDER SECTION
480 OF B.N.S.S. FOR REGULAR BAIL.**

**NOTE :- THIS IS FIRST REGULAR BAIL
PETITION.**

MOST RESPECTFULLY SHOWETH AS UNDER:-

The Applicant/accused most humbly submits as
under;

That, during the investigation the present Applicant was arrested on 01/01/2025 and he was Produced before the Hon'ble JMFC Court, Aurangabad on 02/01/2025 and he was Remanded P.C.R. till 07/01/2025, and therefore Hon'ble Court granted judicial custody to the applicant on same day since applicant is behind the bars.

FACTS OF THE CASE

That, the Complaint Appearing before the police station, and lodge complaint that, the complainant is employed as a Sports Officer in the Office of the Divisional Deputy Director, Sports and Youth Services, Chhatrapati Sambhajinagar Division, District Chhatrapati Sambhajinagar from 05/07/2024. Complaint filing the following complaint vide written authority letter dated 20/12/2024 from Shri. Sanjay Sabnis, Divisional Deput Director, Sports and Youth Services, Chhatrapati Sambhajinagar, No. /Sports Complex/Bank Account/2024-25/340.

Mr. Sanjay Sabnis Saheb has the additional charge of the post of Divisional Deputy Director, Sports and Youth Services, Chhatrapati Sambhajanagar with effect from 7th September 2023. Maharashtra State Sports Policy 2001 Maharashtra Sports Infrastructure Development Plan The Maharashtra Government has issued a circular dated 26th March 2003 regarding the creation of sports facilities. Accordingly, the Guardian Minister of the district is the chairman, the Divisional Commissioner is the vice-chairman, the heads of other departments are the members, and the Deputy Director of Sports and Youth Services is the member-secretary for the Divisional Sports Complex Committee.

To deposit the funds received from the state government for the construction of the Divisional Sports Complex, an account number 50085495707 has been opened in the name of the Divisional Sports Complex Committee in Indian Bank, (Allahabad Bank), Main Branch, Jalna Road, Chhatrapati Sambhajanagar, and funds are deposited in that account. As per the instructions

given by the then Chairman of the Committee and Divisional Commissioner on 07/03/2019, the transactions of the account held in the bank in the name of Divisional Sports Complex Committee, Aurangabad should be done only under the signature of the Secretary, Divisional Sports Complex Committee, Aurangabad, As directed by the Chairman, the then District Sports Officer and Member Secretary, Divisional Sports Complex Executive Committee, Aurangabad, has given a letter in the name of the then Allahabad Bank, now Indian Bank, Jalna Road.

Bank account financial transaction procedures:- The concerned clerk keeps records of bank account transactions in the cashbook, The Deputy Director checks the said records and signs the cash book, The Deputy Director inspects the said cash book from time to time, Bank transactions are done through cheque/RTGS, The Secretary and Deputy Director of the committee have the signing authority for this account. The official e-mail address for office work / correspondence / financial transactions of the office

is dydsportsabad@gmail.com. A letter and specimen signature have been given to the Branch Manager, Indian Bank, Jalna Road, Aurangabad on 26/09/2023 to enable the bank to conduct its business under the signature of Mr. Sanjay Sabnis.

For the day-to-day maintenance and management of the Divisional Sports Complexes, contractual employees were selected through outsourced sources through Disha Facilities Pvt. Ltd. And were given the day-to-day maintenance and office work of the Divisional Sports Complexes from February 2022. In it, Mr. Harsh Kumar Kshirsagar was appointed as the computer operator of the Divisional Sports Complex. Then in the year 2023, Wave Multi Services, Chhatrapati Sambhajinagar appointed Mr. Harsh Kumar Kshirsagar as Computer Operator and Yashoda Shetty as Accounts Clerk for office work. Along with him, 19 other employees were appointed and assigned different tasks. The list of them is presented herewith.

Among the employees appointed by the agency, Harsh Kumar Kshirsagar works as a

computer operator/clerk and Yashoda Shetty works as an accounting clerk, handles correspondence, and makes entries in the cash book. They perform tasks such as writing receipt books, corresponding with the bank, processing bank account statements, and maintaining records.

The funds received from the government are deposited in the Indian Bank Account No. 50085495707 in the name of the Divisional Sports Complex Committee. The affairs of this account are being handled by Mr. Sanjay Sabnis as Member Secretary and Deputy Director from 7/9/2023. It is evident from the records that till now, the State Government has provided funds of Rs. 5907.62 lakhs to the Divisional Sports Complex for the construction of the Divisional Sports Complex. Out of this, Rs. 3771.82 lakhs have been spent on the construction of various sports facilities at the said location. It is evident from the cashbook entries and bank statements that there is a balance of Rs. 22,89,10,473/- from the government grant as on 31st March 2024. It was proposed to develop facilities such as a synthetic athletics track and an

Astroturf hockey field in the divisional sports complex from the funds. An e-tender was published on the Maha tender portal on 4/8/2023 by the Divisional Sports Complex Committee for the construction of a synthetic athletics track in the first phase through a committee appointed for this purpose. The bidder M/S Syncots Exim Pvt Ltd, who participated in the tender, had challenged the tender process by filing Petition No. 179/2024 in the Hon'ble High Court Bench, Aurangabad, objecting to the experience certificate of M/S Sportina Exim Pvt Ltd. During the hearing, the Hon'ble Court had passed an interim order not to open the tender envelope, after which on 30/9/2024, the Hon'ble Court dismissed the petition of the petitioner. While the tender process was being implemented, the tender process could not be completed during this period due to the implementation of the model code of conduct for the Maharashtra state assembly elections.

The accounts of the Divisional Sports Complex were audited by the Office of the Accountant General, Mumbai. They conducted the audit for the

years 2019 to 2024 from 26 August 2024 to 10 September 2024. At that time, the Audit Committee informed Harsh Kumar Kshirsagar that a bank statement was required. Harsh Kumar Kshirsagar prepared a letter dated 30/08/2024 addressed to the Managing Director, Indian Bank vide letter No. Deputy Director/Bank/Statement/2024-25/. The letter was signed by Mr. Sabnis Saheb. Harsh Kumar Kshirsagar took the said letter to the bank. But while giving the letter to the bank, he wrote an email on it by hand as dscch.sambhajanagar@gmail.com. The account statement from the bank was sent to the said email. Harsh Kumar Kshirsagar made changes to the statement received from the bank and submitted it to the Audit Committee. An audit has been conducted on the basis of that.

After that, the tender process started and since the balance in the bank account had to be mentioned in it, Mr. Sabnis Saheb informed the bank manager on 12/12/2024 regarding the provision of bank statement information. After not receiving the statement, senior clerk Swapnil

Tangde called again and said that the bank manager had sent the account statement to the email address dscch.sambhajinagar@gmail.com. But since the email in question was not from our office, we informed the bank manager and asked him to forward it to the official office email address dydsportsabad@gmail.com. After that, he sent the bank statement on the official email dated 13/12/2024. At that time, the balance in the NAAC account was Rs. 1,36,97,145/-. On examining the entire bank statement, a large number of suspicious transactions were found in the name of Harsh Kumar Kshirsagar between 1 July 2024 and 7 December 2024. It was observed that the said transactions/entries were made through the net banking facility. An inquiry was made to Sushil Saini, Manager, Indian Bank, in this regard.

At that time, it was noticed that Harsh Kumar, an office employee, computer operator/clerk, had sent a letter to the bank on 15/2/2024 from the office email dydsportsabad@gmail.com regarding updating his mobile number +918080496662. But the bank did not take action as the accompanying sample form did not have the signature of the

Secretary of the Divisional Sports Complex. Again, Computer Operator/Clerk Harsh Kumar sent a letter dated 14/5/2024 from this email address dscch.sambhajinagar@gmail.com on 16/5/2024. 2023-24/358. In that letter, the account number of the Divisional Sports Complex Committee with the email address in the bank should be made available to this account, namely 50085495707, so that all the facilities of net banking should be made available to this account, so that the account number +918080496662 should be added to the account. Such a letter was sent along with the name and signature of the Deputy Director and Secretary, Divisional Sports Complex Committee, Aurangabad, on this telephone number. As the bank did not take action as per that letter, Computer Operator/Clerk Harsh Kumar forwarded the email and letter sent earlier from the same email ID again on 30/5/2024. It was then discovered that the bank had provided net banking facilities. When the said letter was examined, it was found that Harshkumar Kshirsagar and Yashoda Shetty had prepared the said fake letter and Harshkumar had himself provided net banking facility by entering his own mobile number and Harsh Kumar transferred Rs. 21,59,38,287/- from the account in the name of the Divisional Sports Committee to his own account

and then from his own bank account to the bank accounts of other people.

When we inquired further with Indian Bank regarding this, it was found that Rs. 2.50 lakhs were transferred from the bank account of employee Harsh Kumar to the bank account of our office contract employee, clerk Yashoda Shetty and Rs. 1,69,50,000/- was transferred to the Union Bank account of her husband B. K. Jeevan.

Therefore, a case has been registered against the accused.

That, applicant submits that In the above facts and circumstances the applicant is praying for Regular Bail on following grounds and legal submission.

GROUND

1. That, the applicant is law abiding citizen of India and residing at permanent on above mentioned Address.
2. That, the applicant is innocent, and are falsely implicated in the present crime.
3. That, the allegations under section U/sec. 316(2), 318, 316(5), 336(2), 336(3), 338,

340(2), 61(2), 3(5), of Bharatiya Nyay Sanhita and 66 (C) IT Act 2000 are not made out against the present applicant.

4. That, there is no material to show that, the applicant was directly involved in the primary offence of creating the fake account or taking control of the Divisional Sports Complex Committee Office, bank account.
5. That, the Hon'ble High Court bench at Aurangabad has passed order in Bail Application No. 1115/2025 in this crime and granted the regular bail of accused no. 4.
6. That, the applicant is having very good antecedents and there is no criminal case pending against him.
7. That, the no useful purpose will be served by keeping the applicant in custody as no recovery etc is to be made neither the police requires him in any kind of interrogation.
8. That, the veil of innocence of this applicant is still Intact. His guilt is now under the judicial Scrutiny which is yet to be approved. Under Such Circumstances Further custody of the applicant is now amounting to be pre-trial

Conviction and punishment and investigation is completed.

9. That, if the Hon'ble Court perused the charge sheet, the investigation officer is seized sale deed of applicant house.
10. That, the present FIR has been registered on false and bogus facts. The facts stated in the FIR are fabricated, concocted and without any basis.
11. That, the petitioner belongs from respectable family, having deep roots in society. As such, the nature and the character of the petitioners are un-blemished. However, so as to damage the image of petitioners, the falsify blames has been alleged by the informant.
12. That, if the Hon'ble court perused the FIR, it reveals from the FIR that the offence has been registered after huge delay of 6 months which has not been explained in the entire FIR, which creates doubt over the story of complainant.
13. That, the recording of the evidence has already begun and considering the number of witnesses mentioned in the charge sheet

considerable time would be required for completion of the trial.

14. That, the investigation officer has not recovery and discovery and at the time of PCR, there is no recovery or discovery from the hands of present petitioner.
15. That, the charge sheet is filed against the present accused and in that charge sheet there is no role is attributed against the present petitioner and statement of witnesses are contradictory each other.
16. That, the investigation officer till today completed the investigation and also filed the charge sheet, it is clear cut shows that there is no conspiracy of the other accused and the petitioner have no, knowledge about the any cheating fraud of the main accused.
17. That, the evidence in the present offence is of documentary in nature therefore there is no question of tampering and hampering the prosecution evidence, which is already recovered from main accused and nothing remains to be recovered at the hands of present petitioner, therefore, there is no need

of keeping the present petitioner behind the bar.

18. That the offence is triable by this Hon'ble Court.
19. That, the present petitioner is not involved in the present crime and having no knowledge about the said offence, only on the ground that the transaction in account of accused/present petitioner.
20. That the petitioner is having movable and immovable property within the jurisdiction of this Hon'ble court and therefore there is no chance of flee from the justice.
21. That, all the other grounds, and the facts and legal aspect will be argued at the time final hearing of the application with leave of this Hon'ble court.
22. That, the petitioner is ready to abide with any condition if imposed by this Hon'ble court while enlarging him on bail.

Hence applicant begs to pray for Hon'ble Court Regular bail application may kindly be allowed and applicant may kindly be released on bail and oblige.

The applicant craves, leave and liberty to add, amend, alter, delete or modify any of the para, legal submission or grounds in above mentioned Criminal Application, with prior permission of this Hon'ble Court.

The applicant has not filed any other appeal or application, touching this subject matter, either in this Hon'ble High Court or Supreme Court of India.

HENCE IT IS PRAYED THAT

- A. The Bail application may kindly be allowed.
- B. That, the petitioner may kindly be released on Bail in RCC No. 790/2025 IN Cr. No.427/2024 registered with Jawahar Nagar Police Station Aurangabad for an offence u/s 316(2), 318, 316(5), 336(2), 336(3), 338, 340(2), 61(2), 3(5), of Bharatiya Nyay Sanhita and U/sec. 66 (C) IT Act 2000 & oblige.
- C. Any other equitable relief may kindly be granted in favour of applicant.

Date : 19/08/2025

Accused

Submitted by,



Adv. Sitaram R. Chavan

**Anil s/o. Baburao Kshirsagar
(In Jail)**

List of Document

In the Court Hon'ble C.J.M. Court At Aurangabad.

Case No. B.A.R.C.C. 790/2025

Harshkumar Anil Kohissagar **VERSUS** The State
& others.

LIST OF DOCUMENTS FILED BY Applicant/ Accused

Serial No.	Description of Documents	Date	Remarks
1	Copy of Bail Application No. 1115/2025 - order Hon'ble High Court. Bench AT Aurangabad.		

Date : 19/09/2025

Advocate For S.R. Charan



①

**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1115 OF 2025

Arpita Sunil Wadkar

VERSUS

The State Of Maharashtra And Another

Advocate for Applicant : Senior Counsel Mr. R. S. Deshmukh i/b Mr. Parth Patil
a/w. Ms. Minal Deshmukh

APP for Respondents-State: Ms. Vaishali Patil Jadhav

CORAM : ARUN R. PEDNEKER, J.

Dated : August 14, 2025.

PER COURT :-

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant seeks bail in connection with FIR No.427/2024, registered with Jawahar Nagar Police Station, District Chhatrapati Sambhajnagar, for the offences punishable under Sections 316(2), 318(4), 316(5), 336(2), 336(3), 338, 340(2), 61(2), and 3(5) of the *Bharatiya Nyaya Sanhita*.
3. The facts of the case are noted in the order dated 23/07/2025, passed in Bail Application No. 1105/2025, filed by the co-accused, and are as under :-

"3] It is the case of the prosecution that informant is serving as Sport Officer in the Department of Sports and Youth Services at Aurangabad. Since the year 2022, his department has hired employees on contract basis from outsourcing agency M/s. Disha Facilities Pvt. Ltd. for daily maintenance and management work. Accused No. 1 - Harshkumar Kshirsagar was appointed as Computer Operator and thereafter in the year 2023 accused No.2 Yashoda Shetty was appointed as Accounts Clerk. Both of them were appointed through outsourcing agency M/s. Web Multi Services on contract basis for their

daily official work i.e. clerical, accounts, administrative etc. Along with them, in all 19 other employees were also appointed. There is bank account of said department in Indian Bank in which Government funds were being deposited. It is alleged that during the period from 4.6.2024 till 7.12.2024 accused Nos. 1 and 2 fabricated email ID of the office by forging letter of Superior Officer and thereby transferred amount of Rs. 21,59,38,287/- in their account from the account of their department and thereafter transferred the same in the account of different persons."

4. The learned Counsel for the applicant submits that the applicant is the girlfriend of the main accused No.1 and that she has received various amounts in her account. However, the said amounts were utilized by accused No.1 for purchasing properties. In any event, it is submitted that the properties standing in her name have been attached by the prosecution, and as such, there is no incriminating material against her. The applicant was arrested on 28/12/2024, and her further custodial interrogation is not required.

5. Learned APP has drawn attention to Sections 61(2), 45, and 3(5) of the *Bharatiya Nyaya Sanhita* and submitted that the applicant is equally responsible as the main accused for the misappropriation of Government funds. It is alleged that the accused No.1 took control of the account of the Divisional Sports Complex Committee Office and siphoned off amounts from it. Part of the misappropriated funds were allegedly utilised for purchasing jewellery and two house properties in the applicant's name. The

properties are seized. Certain shop premises have also been attached. The learned APP contends that the role of the applicant is identical to that of co-accused No. 1. It is further alleged that the applicant, being the spouse/girlfriend of the main accused, was residing with him, and therefore it can be presumed that both acted in concert to misappropriate the funds of the Sports Complex Committee by taking control of its account.

6. Considering the submissions of both sides, it is to be noted that there is no material to show that the applicant was directly involved in the primary offence of creating the fake account or taking control of the Divisional Sports Complex Committee Office bank account. The allegation against her is that she is the girlfriend / spouse of the main accused and a recipient of a substantial part of the defalcated funds, which were allegedly utilised to purchase properties and jewellery. These assets have been seized or attached. The learned Counsel for the applicant further submits that the applicant will not create any third-party interest in the properties mentioned hereinbelow : -

- (i) Flat No.9-B, Siddhant Apartment Alok Nagar, Chhatrapati Sambhajinagar,
- (ii) Four BHK Flat No.401, D-1 Building in 'My World' at Chikalthana, Aurangabad,
- (iii) Shop -01, B - Wing, Ground Floor, 'Golok Dham', Warad Kazi, Jalna Road, Aurangabad, And

(iv) one vehicle SKODA SLAVIA.

7. The applicant is in custody since 28/12/2024. The major part of the amount received by her has been recovered. There are no criminal antecedents against her. In these circumstances, and considering her role of receiving stolen / misappropriated amount from the account of Sports Complex Committee Office and the same being substantially recovered, the applicant is entitled for bail.

8. In view of the above, the application is allowed in the following terms: -

ORDER

(a) The application is allowed.

(b) The applicant shall be released on bail in connection with FIR No.427/2024, registered with Jawahar Nagar Police Station, District Chhatrapati Sambhajinagar, on her executing a PR bond of Rs.30,000/- with one or two sureties in the like amount, to the satisfaction of the trial Court.

(c) Upon release on bail, the applicant shall not contact the informant in any manner during the pendency of the trial.

(d) The applicant shall co-operate with the trial Court and attend each hearing, unless exempted by the trial Court.

(e) The applicant shall not tamper with the prosecution evidence or influence the informant, witnesses, or any other persons concerned with the case.

(f) The applicant shall furnish to the trial Court her contact number and residential address and update the same in case of any change.

(g) The applicant - Arpita Sunil Wadkar shall not dispose of or deal with any of the properties which stands in her name.

9. In the event of breach of any of the above conditions, the bail granted to the applicant shall be liable to be cancelled.

10. It is clarified that the observations made herein are limited to the disposal of this bail application. The trial Court shall proceed on its own merits, uninfluenced by these observations.

11. The application stands disposed of accordingly.

(ARUN R. PEDNEKER, J.)

vj.gawade/-

