

**ORDER BELOW EXH.13 BAIL APPLICATION OF ACCUSED NO.10
SWAPNIL TANGADE, AT JAWAHAR NAGAR POLICE STATION,
AURANGABAD.**

Read application and say. This is the bail application filed by accused No.10 releasing him on bail.

2. The Learned Advocate for accused submitted that, this accused is employee of Divisional Sport Complex and he was not working with company who provided the human resource to Divisional Sports Complex in which accused No.1 to 3 and 11 are working. There was no evidence against him. That he help this accused No.1 or any other accused. In fact there was no any evidence against accused No.10. Accused No.10 never gave any letter or changed any email-ID or changed mobile number. Accused No.1 did not help to change the account statement given by bank for audit. So, without any evidence this accused was arrested and made accused. In this case huge evidence required to be examined, various witnesses required to be examined and it will be consume more time and without any reason this accused required to seat behind the bar. In such situation accused needs to be released on bail. There was no documentary evidence or oral evidence against this accused. There was no previous criminal record of this accused. So, by the conduct of this accused no need to keep him behind the bar. In fact his name is not there in FIR and only he had some duty to supervise, he made accused. He did not received anything from accused No.1 or he did not shown as beneficiary. Hence, this accused may kindly be released on bail. If any condition imposed he will abide. Thus, accused prayed to

release 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 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, this accused is a Government employee and having duty to maintain cash book, make correspondence, maintain keep passwords of accounts as well as of email-ID. Accused No.1 was given a letter to demand account statement from bank from Deputy Director to give it bank. However, accused No.1 forged that, letter by changing by hand email-ID and thereafter, by changing the email-ID and mobile number obtained internet banking facility of the account maintain

for Divisional Sports Complex. Thereafter, there was misappropriation of huge amount of Rs.21.59 Cr. So, this accused helped accused No.1 by giving passwords. He knows the correspondence by which the email-ID or mobile number were changed to get internet banking facility to accused No.1. So, he did not conducted his duty. Further, he has to maintain account which he knows amount was withdrawn. But, not pointed out to his Senior. So, knowing everything he participated in crime along with accused No.1, 2 and 3. If he released on bail he may tamper the prosecution evidence available with the Divisional Sports Complex as he will get direct access. Hence, it will hamper on the trial. 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. 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. In fact the duty casted on accused No.10 is that, he has to maintain cash book, he has to make correspondence with letters or with email. Accused No.1 was on contract basis deputed to help this accused No.10 and accused No.1 changed the email-ID on the letter by hand issued by Deputy Director for obtaining statement of account. Accused No.1 changed the mobile number and obtained the internet banking facility for the account maintain for Divisional Sports Complex. In fact all the passwords for the email-ID or user ID for internet banking or anything were with this accused No.10 being employee of Government or Divisional Sport Complex. But, this was prima facie appears to be given by this accused to accused No.1 and accordingly the accused No.1 changed email-ID, mobile number given to account and this was not noticed by this accused to his Senior Officer or Deputy Director. Hence, by giving such passwords and accused No.1 and 2 misappropriated the amount. One of the duty of this accused is that, to maintain cash book. But, he did not noticed the amount withdrawn from the account. In such situation assistant of this accused withdrawing the amount and this was not informed by this accused to his Senior Officer or

Deputy Director. So, prima facie as per the evidence it was clear that, this accused helped accused No.1 to 3 to misappropriate the amount and definitely he knows everything. Keep mum, not informing to Senior, this is nothing but participation in crime. So, prima facie evidence against this accused is that, he help accused No.1 to 3. Further, he did not do his duty. So, the loss caused to the Government and accordingly the offence was committed. Further, if he released on bail then he would go to the office of Divisional Sports Complex and he may tamper prosecution evidence. He being employee there in Divisional Sports Complex, he knows everything where what was kept or what to do to tamper the prosecution evidence. In such situation this possibility is always that, he may tamper the prosecution evidence. Further, considering the seriousness of offence this possibility always that, he may fly away. So, this also hamper on trial. Now the case is for evidence, FIR registered on 21.12.2024, thereafter, on 13.03.2025 charge sheet was filed, on 29.03.2025 charge was framed. So, considering it I do not found any substance that, trial will finished after huge time. So, considering all and prima facie evidence against this accused, this accused No.10 is not entitled for bail. Hence, I proceed to pass the following order -

ORDER

Application for bail by accused No.10 is rejected.

Date:- 17/04/2025.

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