

MHAU030067172025



**ORDER BELOW EXH.141 BAIL APPLICATION OF ACCUSED NO.5 ANIL BABURAO KSHIRSAGAR, JAWAHAR NAGAR POLICE STATION, AURANGABAD.**

Read application and say. This is the bail application filed by accused No.5 releasing him on bail.

2. The Learned Advocate for accused submitted that, this accused is a father of accused No.1. The charge against this accused was only a beneficiary from the offence. This accused was not working with Divisional Sports Complex/Centre in Aurangabad. So, this accused help accused No.1 in the offence not at all arise. The accused No.4 was released on bail by the order of Hon'ble High Court, Bench at Aurangabad, in which Hon'ble High Court clearly observed that the role of this accused No.4 was only the beneficiary and nothing more and she was not directly involved while committing the offence. The same situation is there and this accused No.5 was not directly involved in the offence as per the charge sheet. Hence, this accused entitled for bail. All properties or the gold already recovered. So, question of tampering or disposing the evidence will not arise. Hence, considering this application may kindly be allowed and this is the application first time made by this accused after change in the circumstances. The evidence already started be given and this accused abide all the conditions and will help to proceed further. Hence, application may kindly be allowed.

3. Ld. APP strongly objected the bail application and submitted that accused No.5 is the father of accused No.1 and he knows very well what accused No.1 did. In fact, amount was transferred to accused No.5 by accused No.1 and that amount was utilized by this accused No.5 knowing it the said amount was nothing but misappropriated amount. So, this accused help to dispose of the crime proceed. This accused purchased the property in his name. So, he equally help to dispose of the crime proceed and to commit the offence. This accused No.5 had knowledge regarding the other amount or the property which yet to be recovered, this accused will help to dispose of that property or amount, if released on bail. This accused may try to tamper the evidence, it may hamper on the trial. The evidence is going on and cross examination of informant is in progress. Considering the nature of offence, it is very serious. So, that accused not entitled for bail. Hence, prosecution prayed for rejection of the bail application.

4. I.O. also objected the bail application and submitted that Rs.17,50,000/- transferred to the account of this accused No.5 from the misappropriated amount by accused No.1. This accused also invested amount in gold which already recovered. So, this accused equally involved in this offence. The objection of this I.O. is that if this accused released on bail then he will tamper the evidence of prosecution or try to dispose of the evidence. So, I.O. prayed for rejection of the bail application.

5. The case of the prosecution is that accused No.1 was

working on contract basis in Divisional Sports Complex/Centre, Aurangabad. The Divisional Sports Complex/Centre maintained their account in Indian Bank. This accused No.1 changed the Email-ID by hand as well as inserted his mobile number in the letter sent to the bank by Deputy Director of Divisional Sports Complex/Centre, Aurangabad. The Bank employee without verifying change Email-ID and gave password to this accused No.1 and accordingly the amount of Divisional Sports Complex/Centre was transferred by accused No.1 and then accused No.1 transferred the amount to various accused. So, the role of accused No.5 shown to be beneficiary and he received the amount and from that amount accused No.5 purchased the flat and gold items. So, after investigation charge-sheet was filed.

6. Accused No.5 is the father of accused No.1 who is main accused and as per the prosecution, he played main role to commit the offence. The charge against this accused No.5 is that he received Rs.17,50,000/- from accused No.1 and this accused No.1 purchased flat and gold items. All the bank record were seized, properties were seized, some gold items were seized. In fact this accused No.5 very well had knowledge or knows that accused No.1 purchased the property in Navi Mumbai, Aurangabad. This accused also knows accused No.1 was purchased gold or luxurious cars. Definitely accused No.5 being father of accused No.1 knows what he was doing. In fact this accused knows accused No.1 was working on contract basis and he can't purchased the properties in Navi Mumbai or Aurangabad or gold or luxurious cars. But, this accused accepted the amount from accused No.1, invested it in flat

or gold and help accused No.1 to dispose of the said crime proceed. Thought properties or gold items seized but definitely yet all amount which misappropriated or all crime proceed not yet recovered. In such situation, if this accused released on bail, then he will definitely will help to dispose of that crime proceed. Definitely this accused knows everything and he will help to tamper the prosecution evidence. It appears clearly that this accused directly involved in the case to help to this accused No.1 to dispose of the crime proceed. Hence, the observations regarding accused No.4 in her bail application by Hon'ble High Court in Bail Application 1115/2025 will not helpful to this accused. In fact, if this accused released on bail, he will tamper the prosecution evidence. The prosecution evidence just begin and the cross examination by accused No.1 of informant is going on. So, the defence of the accused No.5 also yet to be open. In such situation, considering all these if this accused No.5 released on bail he may fly away or he may tamper the prosecution evidence. The offence is very serious. There is no change in circumstances. So, if this accused released on bail it will hamper on the trial. Hence, no case made out for bail. Thus, I proceed to pass the following order -

**ORDER**

Application for bail by accused No.5 is rejected.

Date - 11/09/2025.

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