

**ORDER BELOW EXH.35 BAIL APPLICATION OF ACCUSED NO.11
NAGESH SHRIPAD DONGARE, AT JAWAHAR NAGAR POLICE
STATION, AURANGABAD.**

Read application and say. This is the bail application filed by accused No.11 releasing him on bail.

2. The Learned Advocate for accused submitted that, this accused was not working in Divisional Sports Complex. He was not a supervisor. This was clear as per the statement as per the witnesses. The charge leveled against this accused is that, he received Rs.80,00,000/- from accused No.1. However, this accused No.11 is a Engineer Graduate, he did his master. He received the award from Developing the Software to help the people's in Aurangabad in Covid-19 period. So, he is a intelligent person who work for the people. He wants to start his starter. For the said he was looking for financier, definitely he knows this accused No.1 and this accused No.1 said he will finance. Further, the charge against him nothing but to receive dishonest amount. So, the offence prima facie made against him is only received the dishonest amount for the said punishment would not be more than 3 years. In such situation considering this background this accused needs to released on bail. The amount, bank accounts all things were seized. No question arise that, this accused would tamper the prosecution evidence. So, considering all these this accused may kindly 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 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.11 was working in a company which provided human resource on contract basis to Divisional Sports Complex. Accused No.1 to 3 were also working with the said company who were deputed to work in a Divisional Sport Complex. Accused No.1 changed email-ID, mobile number with the help of accused No.2 and 3 as well as with accused No.8 to 10 and obtained internet banking facility. Then, accused No.1 misappropriated the amount of Rs.21.59 Cr. In which Rs.80,00,000/- was given to this accused. Accused No.1 who was working on contract basis known to accused No.11. So, the financial capacity of this accused No.11 very well known to accused No.1. This accused No.11 receiving Rs.80,00,000/- and he

did not know from where this accused No.1 got it, cannot be accepted. In such situation definitely knowing everything he received Rs.80,00,000/- and help accused No.1 to invest dishonest amount. He is a beneficiary of the misappropriated amount. He used this for his own benefit. In such situation he knows everything and if he released on bail then he may fly away or tamper the prosecution evidence. This would hamper on trial. Hence, application for bail 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 formed 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 verify 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 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 muddamal was called. So the matter is pending now for evidence and the bail petitions were filed by the accused.

7. Accused No.11 received Rs.80,00,000/- from accused No.1. All the account statement of this accused recovered and seized. The necessary documents already seized which prima facie clear that, this accused definitely received Rs.80,00,000/- from accused No.1. Admittedly, it appears this accused No.11 is not a Supervisor appointed by the company who supplied the human resource to Divisional Sports Complex to supervise there. But, this accused No.11 was working in that company. Accused No.11 and accused No.1 very well to known each other. At present it is very clear that, the person working on contract basis knows other person who also working on contract basis cannot finance huge amount to start any starter. The person working on contract basis ever cannot gave Rs.80,00,000/- as a hand loan. So, prima facie as per the evidence on record, this amount of Rs.80,00,000/- was given to invest to accused No.11 by accused No.1 and this is nothing but accused No.11 was helping to dispose of the amount which misappropriated by accused No.1. So, definitely knowing everything the amount was received by accused No.11 for his own benefit. Further, huge amount misappropriated. This accused is a computer expert and he may help to accused No.1 by seating outside to tamper the prosecution evidence or to destruct the evidence which yet to be recovered. Definitely charge sheet was filed and investigation is going on for obtaining the evidence yet to be recovered. In such situation this accused may help accused No.1

to 3 by tampering the evidence. This would hamper on the trial. Considering the seriousness of offence this possibility cannot be ruled out that, he may fly away. Then also trial would be hamper. Hence, at present the charge was framed and muddemal was called and evidence about to be given. So, I found no case to release this accused on bail. Thus, accused No.11 did not made out the case to release him on bail. Hence, I proceed to pass the following order -

ORDER

Application for bail by accused No.11 is rejected.

Date:- 17/04/2025.

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