

**ORDER BELOW EXH.43 BAIL APPLICATION OF ACCUSED NO.6
MANISHA ANIL KSHIRSAGAR, AT JAWAHAR NAGAR POLICE
STATION, AURANGABAD.**

Read application and say. This is the bail application filed by accused No.6 releasing her on bail.

2. The Learned Advocate for accused submitted that, this accused is the mother of accused No.1. The charge against her is that, she received Rs.18,00,000/-, Rs.45,25,117/- from accused No.1 and she used this amount for herself. She was not working with accused No.1. She was not anywhere involved for forgery or cheating. Considering she being lady, she would not do anything. The flat, the gold ornaments, the household items, the documents all were seized. There is no possibility that, she may tamper anything. She is lady and if she released on bail, she will abide all order, she will attend the Court. So, this accused may be released on bail. She shown as a beneficiary and nothing more. So, application may kindly be allowed.

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.6 is the mother of accused No.1. Accused No.1 working on a contract basis and purchasing flat in Navi Mumbai, Aurangabad, as well as purchasing the gold items, luxurious car. So, definitely this accused No.6 knows from where that money comes. She kept mum. Further, she received the amount. The necessary bank statements by which clears that, she received the amount, already recovered. Further she purchased the gold from the said amount. So, definitely she used that amount for own purpose which misappropriated by accused No.1. Accordingly, she help to invest and disposed of misappropriate amount. So, definitely she involved in the said offence and she is not entitled for bail. Thus, 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 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. Accused No.6 admittedly, she is the mother of accused No.1. Charge against her is that, she received the amount Rs.18,00,000/- and Rs.45,25,117/-. She used this amount to purchase the gold and help accused No.1 to invest the misappropriated amount. She used this amount for own benefit and accordingly she shown as a beneficiaries of the offence. However, prima facie the necessary bank record were seized and this accused received the amount from accused No.1. She kept mum, did not disclose anything. She knows that, accused No.1 was purchasing the properties in Navi Mumbai, Aurangabad, she knows accused No.1 purchasing gold or luxurious cars. Prima facie she also knows accused No.1 working on contract basis and he can't

afford to purchase such properties, gold or luxurious cars. Then being mother she did not asked, accused No.1 from where this money come. In fact she received the amount, she purchased the gold and help accused No.1 to invest the misappropriated amount or disposed of the said amount. So, knowing everything she accepted the amount for her own benefit. In such situation definitely she help accused No.1 to invest and disposed of misappropriated amount. So, prima facie evidence against her that, she help accused No.1. Though, properties, accounts, all were seized but she being mother definitely she helped accused No.1. So, if she released on bail this accused No.6 may try to tamper the evidence or disposed of the evidence which she knows only, and which yet to be recovered. Further, there is possibility considering the seriousness of offence she may fly away. So, at this stage charge already framed and evidence yet to be begin, it may hamper on the trial if she released on bail. Accordingly, prima facie evidence against this accused proceed the trial. Accordingly, she is not entitled for bail. Hence, I proceed to pass the following order -

ORDER

Application for bail by accused No.6 is rejected.

Date:- 17/04/2025.

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