

MHAU030067172025



**ORDER BELOW EXH.275 BAIL APPLICATION OF ACCUSED NO.3
JIVAN KARYAPPA VIJENDA @ B.K. JIVAN AT JAWAHAR NAGAR
POLICE STATION, AURANGABAD.**

Read application and say. This is the bail application filed by accused No.3 releasing him on bail.

2. The Learned Advocate for accused submitted that, this accused is the husband of accused No.2. The accused No.2 already released on bail. This accused never engaged in work with the Divisional Sport Complex or in Divisional Sport Committee of Aurangabad. In fact the prosecution charged is that, accused No.1 is the master mind but not to the present accused No.3. The investigation is over. Recovery done. The allegations against the present accused is that, Rs.1 Crore 66 Lakh was transferred to this accused by accused No.1 and now they are saying it was Rs.1 Crore 99 Lakh. However, all the amounts which prosecution says received to this accused almost recovered in the form of gold or in the form of cash or by seizure of the properties. The accused No.4 was already released on bail by Hon'ble High Court on the observation that, accused No.4 is not directly involved in the said crime. The same observation applicable to the present accused. Hence, on the same parity accused no.3 is entitled for bail. This accused No.3 was doing catering business since long. So, he is residing in Aurangabad since long. In fact this accused four small

children and a family mostly depend on this present accused. This present accused is only bread survives of the family. If this accused not released on bail the family of this accused will suffer. So, if the accused having deep roots in Aurangabad, then it is highly impossible accused will fly to Karnataka though he is from Karnataka. Further, accused No.2 is the wife of accused No.3 was already released on bail by Hon'ble High Court. It was observed by Hon'ble High Court that, it is impossible that, only one accused involved, while transferring the amount it needs password, OTP's and other electronic formality, so it was not easy for accused No.2 and on other ground accused No.2 was released on bail. So, the present accused is not the directly involved and shown to be the beneficiary. The amount which received to the present accused is already recovered. So, no need to keep this accused in jail, but present accused entitled for bail on the parity on which accused No.2 and 3 released on bail. There was no evidence at all against the accused. Informant already examined and as per the his evidence nothing there against the present accused. So, also the huge evidence yet to be completed. Further it will take most time to complete the trial. The present accused arrested on 22.12.2024, since then he is in custody and this is the first bail application by him. So, considering all present accused entitled for bail. Hence, Ld. Advocate for accused prayed to release this accused on bail.

3. Ld. A.P.P. 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.1 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 Sanjay Subnis told bank manager to send the statement of accounts of Divisional Sports Complex/Centre on official email-ID. Then this Sajnay 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. However, the role of the present accused shown that, accused No.3 is the husband of accused No.2 and accused No.1 transferred Rs.1 Crore 66 Lakh in the account of accused No.3. The amount received to accused No.3 is the crime proceed and by that crime proceed the present accused No.3 purchased the house properties, gold and other items. The amount which accused No.3 received was for the help accused No.2 who help accused no.1 for doing the crime.

4. In investigation amount, vehicles, house items, huge items of gold and silver and properties i.e. flats, row houses seized. After the charge-sheet charge framed and two witnesses examined i.e. one informant and other is the witness. The informant was working with the office Divisional Sports Complex and he gave information regarding the amount misappropriated and after investigation it came before the I.O. that, this accused received the benefit. There was nothing by the present accused as to why the

amount received to him. The amount received to the present accused No.3 Rs.1 Crore 66 lakh. This amount is not small. In fact there is no explanation as to why this amount received by accused No.3 from accused No.1. This amount directly transferred from the account accused No.1 to accused No.3. Admittedly accused No.3 is not working with Divisional Sports Complex as direct employee or working on contract basis. However, the accused No.2 and 4 was released on bail as a woman and being accused No.2 having four children to take care of them. So, considering the submissions this accused failed to give explanation as to why received the amount. In such situation he is not entitled for the parity on which the accused No.2 and 4 released on bail.

5. The amount involved in the offence is more than 21 Crores. Many vehicles, huge gold items and huge household items, flats and row house already seized. All these items being crime proceed which purchased from the amount misappropriated from the account of Divisional Sports Complex. So, in such situation it is necessary as to why this amount of Rs.1 Crore 66 Lakh transferred from accused No.1 to accused No.3. Further as per the prosecution accused No.1 was working on a contract basis with Divisional Sport Complex and he was shown to be a master mind. So, the amount which received to present accused No.3 was nothing but a crime proceed and present accused purchased the gold items and row house or properties to dispose of that amount. So, accused No.3 directly involved for trying to dispose of the crime proceed. In such situation considering the amount involved and the gravity of offence definitely if this accused released on bail then he may fly

away or he may tamper the prosecution evidence. Further, if anything yet to be recovered known to the present accused then he may try to dispose of the same. This accused originally from Karnataka and accused No.2 his wife already on bail. In such situation this possibility become more that, he may fly away. Hence, at present to look after the children already accused No.2 on bail. So, considering the seriousness and gravity of the offence, possibility of fled away of accused and tampering the prosecution evidence, I do not found substance to release accused on bail though this is the first bail application. Accordingly, he is not entitled for bail. Hence, I proceed to pass the following order -

ORDER

Application for bail by accused No.3 is rejected.

Date:- 13/05/2026.

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