


MHBI010005672026 	<u>SPECIAL CASE No. 38 of 2026</u> The State of Maharashtra. <u>Vs.</u> Sanjay & Ors. 9
-------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------

ORDER BELOW EXHIBIT 16.

This is successive regular bail application filed by applicant/accused No. 3 **Shaikh Azhar Shaikh Babu** under Section 483 of the Bhartiya Nagarik Suraksha Sanhita (for short BNSS), in connection with C.R. No.544/2025 registered at Police Station, Shivajinagar, Beed Tq. & Dist. Beed for the offence punishable under Sections 318(4), 316(5), 338, 336(3), 340(2), 198, 199, 316(2), 61, 351(4) of the Bhartiya Nyaya Sanhita, 2023, under Sections 7, 13 of Prevention of Corruption Act and under Sections 14, 34 of Arbitration and Conciliation Act.

2) The applicant inter-alia contended that he is innocent and has not committed alleged offence. He has been falsely implicated in this case with ulterior motive. He was working on a contract basis in Collector Office, Beed for more than 12 years and has been working in the office of co-ordination for the last five years. He only uploaded data as per directions of his superior, on computer. He is not concerned with the files of arbitration which were filed under the Arbitration Act. He was not assigned the work of preparation of awards. Nothing is recovered from the applicant by police. There are no specific allegations against the applicant in police papers. No incriminating material is found against the applicant. There are vague allegations in the FIR and no overt act is attributed to the applicant. Alleged sections do not attract

against the applicant. National Highway Authority has not raised the point that the awards passed by the Arbitrator are fake, nor appeal is preferred against said awards. Accused has no criminal past. He is ready to obey every condition and prayed to allow the application.

3) Ld. APP for the State submitted say at Exh.26. It is contended therein that previous bail application of the applicant was rejected on merit. There is strong prima facie case against the applicant. Applicant was serving as a clerk/computer operator on contractual basis in the office of District Collector, Beed. As per statements of witnesses applicant was directly involved in alleged crime. He was in contact with other accused persons. Applicant was doing work of data entry and unless he submits the same, no one can claim money of the award. Applicant was in constant contact with co-accused on phone and on whats-app messages. Investigation is still going on as coverage of crime is vast. Police papers prima facie show involvement of the applicant in alleged crime. There is no change in circumstance and prayed to reject the application.

4) Heard Ld. Advocate for applicant and Ld. APP for the State.

5) Learned Advocate for the applicant/accused argued on the line of the bail application. He submitted that the applicant is innocent and has committed no offence, as alleged. Applicant was serving as a computer operator on contract basis in concerned office. He was not concerned with preparation of awards, valuation or hearing of similar proceedings. Applicant never prepared fake awards on any computer. FIR is registered only on the basis of internal inquiry committee report submitted to the Collector, Beed. Applicant was not given opportunity during said inquiry. Applicant has not committed misappropriation of

alleged money. There is no incriminating conversation of applicant with anybody. Previous bail application of the applicant was rejected before filing of charge-sheet. Now investigation is completed and charge-sheet is filed. Applicant is ready to comply with any condition and prayed to allow the application.

6) Ld. APP submitted that the offence is serious, economic and against the Government of Maharashtra. Applicant and co-accused collusively prepared false and bogus awards by putting signatures of the then Collector. The applicant prepared fake arbitration awards showing enhancement in the compensation amount. Thereby there caused loss of more than 73 Crore rupees to the Government. Applicant in collusion with co-accused benefited himself and also to some of the claimants. Applicant made conversations to co-accused constantly during the relevant period. The misappropriation amount may increase in future. Co-accused are absconding. Investigation under Section 193(9) of BNSS is going on. Previous bail application of the applicant is rejected on merit. Reports of RFSL are awaiting. Statements of witnesses show complicity of the applicant in alleged crime. If bail is granted, the applicant will pressurize the prosecution witnesses and prayed to reject the application.

7) Perused the application, say of learned APP and adjoining documents on record.

8) It transpires from the police papers that Land Acquisition Officer, Beed fixed rates of acquired lands for National Highway under National Highway Act, 1956 and passed Awards. If the claimants are aggrieved by said fixed rates, they can file arbitration matter before the Arbitrator i.e. Collector for enhancement of the compensation amount.

During the period 28/06/2024 to 22/04/2025 the then Collector, Beed handled and decided the arbitration matters. Said Collector came to be transferred on 22/04/2025 and new Collector/Arbitrator joined in Beed on 24/04/2025. Allegedly it found that after six months from transfer of previous Collector in many arbitration matters awards were passed by mentioning old dates, name and designation as well as signatures of the then Collector, Beed and thereby enhanced amount of 73 Crore rupees was disbursed to some of the claimants in 154 arbitration matters.

Present applicant was serving as a Data Entry Operator in the office of competent authority and Sub-Divisional Officer, Beed. The applicant was preparing the awards of enhanced amount in the arbitration matters of National Highway 211 New 52 and then said awards were being sent to the Project Director of National Highway 211 New NH-52 situated at Ch.Sambhajinagar. Allegedly the applicant was giving dates in the matter, as per say of co-accused Sanjay Hange for showing enhanced rates and valuations in said files. He was also allegedly sending said awards and valuations on whats-app of co-accused Sanjay Hange. For said purpose the applicant was in constant contact with co-accused persons. As per statements of witnesses applicant was in constant touch with co-accused persons by voice recording, whats-app chat etc. Only after making data entry of the awards, recommendations for final funds were made to concerned authority and applicant was assigned to said important work. Applicant was allegedly sharing confidential information to co-accused persons and others, for his own benefit. There found incriminating conversation between applicant and co-accused with respect to alleged offence. Mobile phone of the applicant is seized. His voice sample is also taken.

The offence prima facie appears to have been committed in a planned manner. Co-accused are absconding. Reports of RFSL with respect to voice samples of applicant and others and also about CCTV, DVR are awaiting. According to the Investigating Officer the duped amount may increase in future as out of 154 arbitration files, 148 files are seized and six files are yet to be seized. Accordingly further investigation under Section 193(9) of BNSS is said to have been underway. The offence is serious, economic in nature and against public money and against Government of Maharashtra. The police papers prima facie show involvement of the applicant in alleged offence. Previous bail application of the applicant is rejected by Ld. Predecessor on merit. In enquiry committee report there are serious allegations levelled against the applicant and co-accused. The offences are punishable with imprisonment for life. Considering the facts, accusations, nature, scope and gravity of offence, if bail is granted, possibility of the applicant tampering with the prosecution evidence cannot be ruled out. In the circumstances, it would not be appropriate to grant bail to the applicant/accused. Hence, no case is made out to grant regular bail to the applicant/accused. In the result following order is passed :-

ORDER

- 1) The application is rejected.
- 2) Copy of this order be sent to Superintendent of Jail Authority, Beed, through E-Mail, who shall inform applicant/ accused about the order.

Date : 08/04/2026.
Beed.

(V. H. Patwadkar)
Special Judge
Beed.

:: CERTIFICATE ::

" I Affirm that the content of this PDF file are word to word as per original Judgment/Order "

Typed on PC :- 08/04/2026.

Checked & Signed on :- 08/04/2026.

Dt. 08/04/2026.

(Asifali R. Sayyad)
Stenographer Gr-I
Additional Sessions Court
Beed.