

MHWR030009202026



Order below Bail Application Exh. 09
(Dt. 20/06/2026)

1. Perused the bail application and say of Ld. A.P.P. & I.O.
2. Heard Ld. A.P.P. Smt. D.P. Kothari on behalf of prosecution and Ld. Advocate Shri. V. V. Tibdewal on behalf of the accused.
3. Perused bail application and material placed before. This is an offence punishable under section 316(5) and 318(4) of the B.N.S. The offences are non-bailable. From the material before me, it appears that, after due investigation the accused was taken into M.C.R. The punishment annexed to the alleged section is upto 10 years.
4. In the present case, the accused is booked for the charge under section 316(5) & 318(4) of the B.N.S. on the count that, the accused was working as a Customer Relation Officer in Issaf Small Finance Bank Ltd., Wardha. The accused collected the amount of Rs. 14,11,921/- from

borrowers of the company and in spite of depositing it with the bank, he misused the said amount. Accordingly, the accused was taken into P.C.R. and thereafter in M.C.R.

5. It further appears from the record that, earlier bail application of the accused came to be rejected on merits by this Court. Thus, there is no substantial change in circumstances warranting reconsideration of the request for bail. On the contrary, the present offence reflects to be economical offence. It is misrepresentation of public money. The charge-sheet of the accused is filed on 03/02/2026. Thus, the accused filed this application for grant of bail on the ground that, the investigation is being completed, there is no nexus of the present accused with the alleged crime, there is no evidence against the accused that, the amount of Rs. 14,11,921/- was misused by him. Hence, he be released on bail as there are change in circumstances.

6. Ld. A.P.P. opposed this application on the ground that, the offence is serious. There is no change in circumstances. The bail of the applicant is rejected previously. Mere filing of charge-sheet cannot be considered as the ground to grant the bail.

7. Ld. A.P.P. relied upon **Virupakshappa Gouda & Anr. Vs. The State of Karnataka & Anr. (2017 CRI.L.J. 2769).**

8. Heard both the Ld. Counsels.

9. In the present case, it appears that, the offence is an economical in nature. The amount involved is more than 14 lakhs rupees. Money of the public at large is involved. The offence is of cheating. As per the material before the accused has used this money for his own liability. It reflects nexus of the accused with the said crime.

10. On perusal of the record no doubt it appears that, charge-sheet is being filed. The Ld. Counsel of the accused argued that, there is no evidence reflects against the accused. Whereas, from the charge-sheet documents establishes the involvement of the accused in the said offence. Further, the grounds raised by the present applicant are the part of merit. There is no specific change of circumstances argued by the Ld. Counsel of the accused.

11. Further, the judgment in *Virupakshappa* cited supra specifically laid down in para no.13 and 14 that, mere filing of charge-sheet does not amount to change is circumstances. Relevant paragraphs are as follows-

13. On a perusal of the order passed by the learned trial Judge, we find that he has been swayed by the factum that when a charge-sheet is filed it amounts to change of circumstance. Needless to say, filing of

the charge-sheet does not in any manner lessen the allegations made by the prosecution. On the contrary, filing of the charge-sheet establishes that after due investigation the investigating agency, having found materials, has placed the charge-sheet for trial of the accused persons. As is further demonstrable, the learned trial Judge has remained absolutely oblivious of the fact that the appellants had moved the special leave petition before this Court for grant of bail and the same was not entertained. Be it noted, the second bail application was filed before the Principal Sessions Judge after filing of the charge-sheet which was challenged in the High Court and that had travelled to this Court. These facts, unfortunately, have not been taken note of by the learned trial Judge. He has been swayed by the observations made in Siddharam Satlingappa Mhetre (supra), especially in paragraph 86, the relevant part of which reads thus:- "The courts considering the bail application should try to maintain fine balance between the societal interest vis-a-vis personal liberty while adhering to the fundamental principle of criminal jurisprudence that the accused is presumed to be innocent till he is found guilty by the competent court."

14. The proposition expounded above, has to be accepted, but that has to be applied appositely to the facts of each case. A bail application cannot be allowed solely or exclusively on the ground that the fundamental principle of criminal jurisprudence is that the accused is presumed to be innocent till he is found guilty by the competent court."

12. It appears from the material before me there is no specific change in circumstances in reference to the allegations made against the accused.

13. As per *Satender Kumar Antil Vs. CBI (2022)*, categorize economic offence as individual category in which the criteria of bail depends upon the facts and circumstances of the case. In the instant case, the offence is continuous in nature. The documents shows its background it reflects *prima facie* involvement of the accused in the crime. Chance of getting absconded and threatening the witness cannot be denied. The offence is serious in nature. Further, it is being in economic in nature and *modus operandi* of the case cannot be ignored the ground to get entire evidence tampered. In view of this Court, releasing the accused at this stage is not justified.

14. Further, no doubt there is presumption of innocence lies in the favour of the accused. “Bail is right” and “rejection of it is an exception.” In such kind of crime the possibility of tempering the evidence or influencing the witnesses on the basis of threat cannot be ignored. Further, entire evidence of the case which has to be decided on merit will come under the purview of manipulation. Which will be completely fatal to the case, to decide it on merit, at this stage only. Therefore, this Court is of the opinion that, the application does not deserve to be allowed. Hence, following order is passed -

ORDER

The application stands rejected.

Wardha.

Date : 20/06/2026

(Smt. M. R. Chavan (Hiwarale))
Judicial Magistrate First Class,
(Court no. 2), Wardha.

Certified that PDF copy of Order supra is word-to-word identical to the original Order.

(I.K.Khan)
Stenographer Grade-II