

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

941 BAIL APPLICATION NO.397 OF 2023

NAVNATH VALJNATH BIRANGE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Ms. Akshara Sharad Madake h/f
Mr. Thombre S. S.
APP for Respondent-State : Mr. S. P. Sonpawale.
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CORAM : S. G. MEHARE, J.
DATE : 15.03.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant was the Computer Operator in Shital Gramin Bigar Sheti Sahakari Patasanstha Maryadit, Girawali, Taluka Ambajogai. The prosecution has a case that the amount of the agriculturists, who were entitled to receive, was transferred to the bogus persons. It is also the case that the said amount was transferred in the account opened in Axis Bank.
3. Learned counsel for the applicant would argue that the role attributed to the applicant is limited. He was to operate the computer only. He has no concern with opening of the bank

accounts of customers. The prosecution has no evidence that the applicant has withdrawn a single paisa from either of the bank accounts. Whatever the transfer was made the entry was taken as per the record. The prosecution has no evidence against the applicant that he has shared the siphoned amount. Hence, he deserves bail.

4. Learned APP strongly opposed the application. He would argue that the applicant has played an active role in transferring the amount from one account to the other in the Axis bank. The fraud of Rupees Nineteen Crore has been played. The applicant has played an active role in committing the crime. Hence, he does not deserve bail.

5. Perused the papers. The allegations are specific that the amount which was to be transferred to the account of the beneficiaries have been transferred in the name of the fake account holders. The money which was received for the beneficiaries was transferred in Axis bank by opening the fake accounts. However, the prosecution has no evidence to show that the applicant withdrew the amount deposited in the Axis bank. There appears substance in the argument of the learned counsel for the applicant that the applicant has no concern about opening of the bank accounts. He was barely a Computer

Operator. Nothing has been recovered from him. In the facts and circumstances of the case, the application deserves to be allowed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **NAVNATH VALJNATH BIRANGE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.233 of 2021, registered by Police Station Parali Rural, District Beed, for the offences punishable under Sections 420, 467, 468, 471, 406 read with Section 34 of the IPC, on the following conditions :
 - (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) He shall attend the trial on each and every effective date.

(S. G. MEHARE, J.)

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vmk/-