



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

BAIL APPLICATION NO. 374 OF 2024

SANJAY GHANSHYAM MUDIRAJ
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. J. N. Singh
APP for Respondent : Ms. M. L. Sangit
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CORAM : S. G. MEHARE, J.

DATE : 02-04-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant seeks bail in C.R.No.177/2022 registered with Police Station, Ghansawangi, District Jalna, for the offences punishable under Sections 420, 409, 468 and 471 read with Section 34 of the Indian Penal Code.
3. The prosecution has a case that the applicant was a Bank Manager. He transferred the money of Prime Minister Employment Guarantee Scheme in the fake bank accounts. He misappropriated Rs.4,88,22,000/- and thereby played a fraud with the Bank and the Government. He was the main culprit in misappropriating the huge amount. He was negligent in verifying the loan papers. He even did not verify the KYC record.

4. The applicant was arrested on 29.12.2023. He has undergone the police custody. Police have seized Honda Amaze car directly from the showroom on the information that it was purchased in the name of his wife. He is now in MCR. The chargesheet has been filed.

5. Learned counsel for the applicant submits that during the course of investigation, the so-called siphoned money was found safe in the bank of the applicant itself. The said money has not been gone to the pocket of any person. The applicant did not play the fraud and he is not beneficiary of the amount transferred. The police detected the amount where it is lying. The applicant has no antecedents to his discredit. The investigation has been completed. Nothing is to be recovered from him. The alleged crime has been committed by transfer through the electronic gadgets. All relevant gadgets and papers were seized. The applicant is a permanent resident of village and there are no chances of his absconding. In the event of granting him bail, he is ready to pay by the conditions, if any, imposed. He may be granted bail.

6. Learned A.P.P. has strongly opposed the application. She submits that the accused is a prime culprit of the crime. He has created the fake accounts in the name of the fake persons and transferred the money of Prime Minister Employment Guarantee

scheme. A huge amount worth Rs.4,82,22,000/- has been tried to be siphoned. For creating the fake accounts, he also forged the signatures. The offence is serious. He may abscond. If the bail is granted he may tamper with the prosecution witnesses. Considering the gravity of the offence, he does not deserve bail.

7. The allegations against the applicant, as discussed above, reveal that the so-called siphoned money has not been gone to the pocket of anybody. Actually, siphoned money was found lying with the bank, where the applicant was serving as a Branch Manager. The police custody papers also reveal that the said amount is lying with the Bank. Apart from that, the police have seized the property of the applicant. All necessary papers have been recovered. The prosecution has no material to satisfy the Court that his further detention would help in digging something new. As far as the apprehension of the prosecution that he may abscond, except bare words the prosecution has no material to satisfy the Court that he is such a habitual offender who may abscond. He has roots in his village. There are no antecedents to his discredit. The objection that he may tamper with the prosecution witnesses is also not well founded. The evidence against the accused is of electronic and all papers have already been recovered. Therefore also, chances of tampering with the prosecution witnesses and evidence are least. The offences are triable by Magistrate. The trial may take its time. Considering the facts in-toto and

investigation done against the applicant, this Court is of the view that his further detention would serve no purpose. Hence, the order:-

ORDER

- i) The application is allowed.
- ii) Applicant Sanjay Ghanshyam Mudiraj be released on bail, on furnishing PB and SB of Rs.1,00,000/-, with one or two solvent surety of the like amount, in the above crime, on the conditions that,
 - (a) He shall attend the trial on each and every effective date;
 - (b) He shall not protract the trial;
 - (c) He shall assist and support the Investigating Officer, if he calls him for further investigation in this crime only.

(S. G. MEHARE)
JUDGE

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