



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.929 OF 2024

Rupali Raghunath Kasekar
@ Riddhi Paresh Bhingarde
Versus
The State of Maharashtra

...Applicant
...Respondent

Mr. Vipin Bidkar, Advocate, for the Applicant.
Ms. S. S. Kaushik, APP, for the Respondent-State.
Mr. Pankaj Vilas Khopde, P.S.I., Chiplun Police Station present.
Mr. Aashish Ballal, Police Naik, Chiplun Police Station present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 5th APRIL 2024

PC:-

1. Heard Mr. Bidkar, learned Counsel for the Applicant and Ms. Kaushik, learned APP for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. No.	379 of 2022
2.	Date of registration of F.I.R.	01/12/2020
3.	Name of Police Station	Chiplun, District-Ratnagiri
4.	Section/s invoked	406, 409, 420, 34 of the

		Indian Penal Code, 1860; 65 and 66 of the Information Technology Act, 2000;
5.	Date of incident	28/10/2020 to 13/09/2022
6.	Date of arrest	12/04/2023
7.	Date of filing of Charge-sheet	31/01/2023
8.	Date of filing of Supplementary Charge-sheet	10/05/2023

3. As per the prosecution case, the Complainant was working as an Executive Engineer-PWD, Chiplun since 21st October 2022. While going through the records of the PWD office, Chiplun, the complainant noticed a discrepancy in the amount of deposit head part II and part V and during his inquiry, he discovered that the deposit head part II and part V have been deposited by using login ID and password of the said office. Thereafter, it was discovered that Accused Nos.7 and 8 while they were in Government service working in the PWD Office, Chiplun, used the login ID and password to distribute various funds in the accounts of Accused Nos.1 to 6. Different amounts were transferred to the accounts of Accused Nos.1 to 6. Thus, as per the prosecution case, the Accused Nos.7 and 8 who were in Government employment and were working in the PWD office-Chiplun, took undue advantage of their position of authority. Thus, even as per the prosecution case, the

main accused persons are Accused Nos.7 and 8. Accused No.9 is the sibling of Accused No.7 and Accused No.1 i.e. the present Applicant is wife of Accused No.9.

4. Mr. Bidkar, learned Counsel for the Applicant submitted that there are total 9 accused persons, out of which Accused Nos.2 to 6 and Accused No.9 have been released on bail. He submitted that F.I.R. was lodged on 1st December 2022. Accused Nos.2 to 9 were arrested on 8th December 2022. At that time, the Accused No.1 was pregnant and therefore she was not arrested. The present Applicant i.e. Accused No.1 gave birth to a female child on 2nd January 2023. The Applicant surrendered on 12th April 2023. He submitted that before that the Applicant filed an Anticipatory Bail Application and she was granted interim relief for some time. He submitted that the Applicant had earlier preferred Bail Application No.2155 of 2023 in this Court, however, the same was simplicitor withdrawn. Thereafter the Applicant preferred a Bail Application before the learned Sessions Judge, Chiplun which was rejected on 6th January 2024. He submitted that the Accused Nos.7 and 8 transferred an amount of Rs.1,76,99,510/- to the account of the Applicant. He submitted that the Applicant has re-

transferred an amount of Rs.1,71,45,985/- and the same was received either by Accused No.7 or by Accused No.9. He submitted that total amount of Rs.1,70,22,077/- has been recovered from Accused No.7 or Accused No.9. He submitted that only an amount of Rs.1,00,000/- has been recovered from Accused No.1. He submitted that the Applicant is young woman aged 32 years and is having a child aged 13 months. He submitted that the Applicant is incarcerated since one year. He submitted that the Accused Nos.2 to 6 who are having the same role as that of the Applicant, have already been released on bail and therefore the Applicant be also released on bail. To substantiate his contention that almost the entire amount which was deposited in the account of the Applicant, has been recovered, he submitted certain charts. He submitted that, in fact, the amount which was deposited in the account of Accused Nos.2, 3, 4, and 5 has not been recovered, yet the said Accused have been granted bail by the learned Trial Court.

5. On the other hand, Ms. Kaushik, learned APP for the Respondent-State strongly opposed the Bail Application. She submitted that an amount of Rs.2,50,000/-, out of which gold has been purchased by the Accused No.9, the procedure for seizure of

the said gold is in progress. However, she confirmed that except for the said gold worth Rs.2,50,000/-, entire amount is recovered.

6. At the outset, it is to be noted that an earlier Bail Application bearing No.2155 of 2023 was simplicitor allowed to be withdrawn by the learned Single Judge (Coram: Anuja Prabhudessai, J.) by Order dated 18th August 2023.

7. The chart which the learned Counsel for the Applicant has submitted showing the recovery of total amount of Rs.1,71,22,077/- out of an amount of Rs.1,76,99,510/- deposited in the account of the Applicant i.e. Accused No.1, is reproduced herein below for ready reference:-

AMOUNT TRANSFERRED BY MAIN ACCUSED (ACCUSED NOS. 7 & 8) TO ACCUSED NO. 1-
1,76,99,510/-

THE AMOUNT RETRANSFERRED BY ACCUSED NO. 1 RECEIVED BY ACCUSED NO. 7 & 9 –
1,71,45,985/-

Sr. No.	AMOUNT TRANSFERRED FROM	AMOUNT TRANSFERRED TO	AMOUNT	PURPOSE	Page Nos. / Evidence
1.	ACCUSED No. 1 RUPALI RAGHUNATH KASEKAR BANK OF INDIA KHANDA COLONY ACCOUNT NUMBER -	ACCUSED No. 7 PRATIK PRAMOD BHINGARDE STATE BANK	1,16,85,985/-	AS ACCUSED No. 7 INSTRUCTED ACCUSED NUMBER 1 TO	819

	124410110008522	OF INDIA BRANCH CHIPLUN ACCOUNT NUMBER - 20403241327		RETRANSFER THIS AMOUNT TO HIS ACCOUNT	
2.	ACCUSED NUMBER 1 RUPALI RAGHUNATH KASEKAR	MAHESH CHANDRAKA NT REDIJ (CONTRACTO R)	10,50,000/-	AS ACCUSED No. 7 INSTRUCTED TO SEND THIS AMOUNT TO CONTRACTOR MAHESH REDIJ AND THIS AMOUNT IS USED FOR RECONSTRUC TION OF WALOPE'S BUNGLOW WHICH HAS BEEN SEIZED BY POLICE	820
3.	ACCUSED No. 1 RUPALI RAGHUNATH KASEKAR AXIS BANK BRANCH CHINCHWAD , PUNE ACCOUNT NUMBER 921010020225587	ACCUSED No. 7 PRATIK PRAMOD BHINGARDE (IN FORM OF CASH)	9,70,000/-	AS ACCUSED No. 7 INSTRUCTED TO GIVE HIM THAT AMOUNT AND THIS AMOUNT IS USED FOR RECONSTRUC TION OF WALOPE'S BUNGLOW WHICH HAS BEEN SEIZED	820

				BY POLICE	
4.	ACCUSED No. 1 RUPALI RAGHUNATH KASEKAR BANK TRANSFER	BHAGYASHREE LAD BANK TRANSFER	14,00,000/-	(WIFE OF ACCUSED No. 7) AND THIS AMOUNT IS USED FOR RECONSTRUC TION OF WALOPE'S BUNGLOW WHICH HAS BEEN SEIZED BY POLICE	Bank Statement
5.	ACCUSED No. 1 RUPALI RAGHUNATH KASEKAR	ACCUSED No. 9 PARESH PRAMOD BHINGARDE	3,90,000/-	AS PER INSTRUCTED BY ACCUSED No. 7	749
6.	ACCUSED No. 1 RUPALI RAGHUNATH KASEKAR	ACCUSED No. 9	14,00,000/-	FLAT PURCHASE USED THIS PARTICULAR AMOUNT FOR BUYING FLAT WHICH IS SEIZED BY POLICE AT PRESENT	508
7.	ACCUSED No. 1 RUPALI RAGHUNATH KASEKAR	GOLD WAS PURCHASED OF THIS AMOUNT BY ACCUSED No. 9	2,50,000/-	PURCHASE GOLD SEIZURE PROCEDURE IS ON GOING BY I.O.	820
Total			<u>1,71,45,985/-</u>		

RECOVERY FROM ACCUSED NOS. 1, 7 & 9 – 1,71,22,077/-

<u>SR.NO</u>	<u>RECOVERY PANCHNAMA AS BELONG TO ACCUSED</u>	<u>RECOVERY FROM</u>	<u>AMOUNT</u>	<u>PAGE NUMBER</u>
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	<u>NUMBER 7</u>			
1	GOLD JEWELLERY SEIZURE PANCHNAMA DATED ON 08/12/2022	ACCUSED NUMBER 7 PRATIK PRAMOD BHINGARDE	9,81,808/-	490-496
2	TWO CARS SEIZURE PANCHANAMA DATED ON 8/12/2022	FROM ACCUSED NUMBER 7 PRATIK PRAMOD BHINGARDE	5,75,000/-	497-501
3	REDMI MOBILE SEIZURE PANCHNAMA DATED ON – 11/12/2022	ACCUSED NUMBER 7 PRATIK PRAMOD BHINGARDE	13,000/-	502- 503
4	1 FLAT SEIZURE PANCHNAMA DATED ON 30/12/2022	ACCUSED NUMBER 7 PRATIK PRAMOD BHINGARDE	34,57,430/-	504-507
5	BUNGLOW SEIZURE OF BUNGLOW DATED ON 08/05/2023	ACCUSED NUMBER 7 PRATIK PRAMOD BHINGARDE	70,19,346 /-	790-793
<u>TOTAL RECOVERY FROM ACCUSED NO 7</u>			<u>1,20,46,584 /-</u>	

<u>SR. NO</u>	<u>RECOVERY PANCHNAMA AS BELONG TO ACCUSED NUMBER 9</u>	<u>RECOVERY FROM</u>	<u>AMOUNT</u>	<u>PAGE NUMBER</u>
1.	FLAT SEIZURE PANCHNAMA DATED ON – 30/12/2022	ACCUSED NUMBER 9 PARESH PRAMOD BHINGARDE	47,25,493/-	508
2.	GOLD AT MUTHOOT FINANACE (RECOVERY PROCEDURE IS ON GOING BY INVESTIGATING OFFICER)	ACCUSED NUMBER 9 PARESH PRAMOD BHINGARDE	2,50,000/-	820
<u>TOTAL RECOVERY FROM ACCUSED NUMBER. 9</u>			<u>49,75,493/-</u>	

<u>SR. NO.</u>	<u>RECOVERY PANCHNAMA AS BELONG TO ACCUSED NUMBER 1</u>	<u>RECOVERY FROM</u>	<u>AMOUNT</u>	<u>PAGE NUMBER</u>
1	TWO WHEELER SEIZURE PANCHANAMA DATED ON 17/04/2022	ACCUSED NUMBER 1 RUPALI RAGHUNATH KASEKAR @ RIDDHI PARESH BHINGARDE	1,00,000/-	782-784
TOTAL RECOVERY FROM ACCUSED NO 1			1,00,000/-	
TOTAL RECOVERY FROM ACCUSED NOS. 7,9,1			1,71,22,077.00	

ACCUSED RELEASED ON BAIL AND THEIR RECOVERY

<u>SR. NO</u>	<u>ACCUSED NUMBERS</u>	<u>AMOUNT</u>	<u>RECOVERY</u>	<u>BAIL GRANTED ON</u>	<u>GRANTED BY</u>	<u>PAGE NUMBER</u>
1	ACCUSED NO. 2 RAJANISH RAJENDRA TAKLE	12,03,715/-	NIL	16/12/2022	LD JMFC COURT	66-68
2	ACCUSED NUMBER 3 PRIYANKA BALAJI PAWAR	1,00,50,000 /-	NIL	16/12/2022	LD JMFC COURT	66-68
3	ACCUSED NUMBER 4 MANGESH VINAYAK LAD	9.00,000/-	NIL	16/12/2022	LD JMFC COURT	66-68
4	ACCUSED NUMBER 5 SADEEP SURESH AMBURLE	70,00,000/-	NIL	16/12/2022	LD JMFC COURT	66-68
5	ACCUSED NUMBER 6 PRAVIN DILIP BHISE	40,00,000/-	TWO CARS WORTH RS 6,00,000/-	16/12/2022	LD JMFC COURT	66-68
6	ACCUSED NUMBER 9 PARESH PRAMOD	3,90,000/-	FLAT WORTH RS 47,25,	10/11/2023	LD SESSION COURT	855-865

	BHINGARDE		493/- GOLD 2,50,000/- (SEIZURE PROCEDUR E IS ON GOING BY IO)		CHIPLUN	
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8. Ms. Kaushik, learned APP has verified the above chart and submitted that the said chart is correct. Thus, it is clear that almost the entire amount which was deposited in the account of Accused No.1 i.e. the present Applicant has been recovered. The Applicant is a young woman having a child aged 13 months.

9. Accused Nos.2 to 6 who are having the same role as that of the Applicant, were released on bail by the learned Trial Court by Order dated 16th December 2022.

10. Perusal of the record shows that the incident in question occurred between 20th October 2020 to 13th September 2022, F.I.R. was lodged on 1st December 2022. Applicant was arrested on 12th April 2023 and Charge-sheet was filed on 31st January 2023 and the Supplementary Charge-sheet was filed on 10th May 2023. Thus,

investigation is complete. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

11. The Applicant is lady having a child aged 13 months.

12. There are no criminal antecedents against the present Applicant.

13. The Applicant does not appear to be at risk of flight.

14. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

15. In view thereof, the following order:-

ORDER

(a) The Applicant - Rupali Raghunath Kasekar *alias* Riddhi Paresh Bhingarde be released on bail in connection with C.R. No.379 of 2022 registered with the Chiplun Police Station, Taluka - Chiplun, District - Ratnagiri on her furnishing P.R. Bond of Rs.25,000/-

with one or two local solvent sureties in the like amount.

- (b) On being released on bail, the Applicant shall furnish her cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicant shall report to the Chiplun Police Station, Taluka - Chiplun, District - Ratnagiri as and when called by the Investigating Officer.
- (d) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case, so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender her Passport, if any, to the Investigating Officer.

16. The Bail Application is disposed of accordingly.

17. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]

Note: This order is corrected as per Speaking to the Minutes Order dated 8th April 2024.