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

40 BAIL APPLICATION NO. 1048 OF 2025

RUPESH CHANDRAKANT PALANDE
VERSUS
THE STATE OF MAHARASHTRA
...
Advocate for Applicant :
Mr. Nihal M. Mansuri Mnasuri a/w. Mr. Patil Bipinchandra K.
APP for Respondent/State: Ms. P. V. Diggikar
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 28.07.2025

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he was arrested on 06.04.2024 in connection with Crime No.0047/2016, registered with Shivajinagar Police Station, District Nanded, for the offences punishable under Sections 420, 120-B of the Indian Penal Code and under Sections 66-C and 66-D of the Information and Technology Act.

3] The applicant is arrested on 06.04.2024 in connection with above offences.

4] The case of the prosecution is that the informant was working with Gyanmata English School Nanded as a Manager cum Secretary from the year 2011 to

2013 and was handling accounts of the school. It is also stated that the informant received certain e-mails from the unknwon source wherein he was informed that he would get 5.7 million dollors transferred to the RBI Mumbai branch. It is stated that the applicant has also informed him that he would be getting the separate e-mail from the RBI account. It is stated that he received the e-mail from the RBI account (e-mail appearing to be sent by RBI account) stating therein that certain amounts were received to the informant and that he needs to verify his account and for that purpose he should make transfer in the names of other accounts. Accordingly, initially Rs.47,000/- was transferred by him to the account of one Mr. Shankar Gyandev Mane. Thereafter, 24 transfers were made by the applicant into various accounts from 03.07.2012 to 08.07.2012. It is alleged that two transfers are to the applicant's account namely Shri Sai Printers of which the applicant is the owner. The amounts deposited were on 31.07.2012 of Rs.1,28,000/- and on 03.08.2012 of Rs.1,48,000/-. Interestingly, both these deposits are made in cash. The total amount of Rs.73,84,160/- is said to be deposited in various accounts by the informant. Thereafter, again it is stated that there is another episode of similar type wherein the informant has paid the amount of Rs.58,25,000/- to 19 account holders. Total amount of Rs.1,31,47,660/- is deposited by the informant in various accounts on account of the above episodes.

5] The learned counsel for the applicant submits that the applicant in the year 2012 was running printing business and the amount entry would have been towards services rendered by him. He submits that the FIR is registered in the year 2016 i.e. nearly after 3 years and 4 months and he does not have the exact accounts of the business. He was running printing business in which similar accounts of money is received from the clients. He submits that he is the only person arrested in this case and continues to be in jail from 06.04.2024 i.e. over the period of 15 months. He submits that 31 witnesses are to be examined and only 1 witness is examined. He submits that he has no connection with the informant so also with the other accused managing e-mails and that accidentally there are 2 entries shown in the account of the applicant. It cannot be also said that the amounts are deposited by the informant as they are not transferred from the account of the informant to the account of the applicant and possibly the amounts are towards the services rendered by the applicant.

6] Per contra, the learned APP submits that there are similar offences against the applicant. However, the learned counsel for the applicant points out that he has obtained information under the Right to Information Act, 2005.

The learned counsel for the applicant submits that in one of the FIR the applicant is acquitted and in one he is on bail and one is the present complaint.

7] From the material which is available prima facie there is no connection between the applicant and the informant. The amount deposited in to the accounts of the applicant are cash transactions. Prima faice there is no material to indicate that the amounts are deposited by the informant and that the same were deposited in the year 2012 and the complaint is filed in the year 2016. It is seen that the amounts are deposited by the informant in various accounts. It is not known whether these entries are also cash entries or whether the informant himself is responsible for defalcation. Being a belated complaint and no further material is available connecting the applicant to the fraud, considering this aspect of the matter so also considering that there is no material connecting the applicant to the other accounts in which amounts are deposited, there is no material connecting the applicant with the crime. Considering the same and also long incarceration of the applicant and the trial may take substantial time, the applicant can be granted bail.

8] In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.0047/2016, registered with Shivajinagar Police Station, District Nanded, for the offences punishable under Sections 420, 120-B of the Indian Penal Code and under Sections 66-C and 66-D of the Information and Technology Act, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

9] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

10] It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

11] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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