



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

BAIL APPLICATION NO. 1115 OF 2025

Arpita Sunil Wadkar

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Senior Counsel Mr. R. S. Deshmukh i/b Mr. Parth Patil
a/w. Ms. Minal Deshmukh

APP for Respondents-State: Ms. Vaishali Patil Jadhav

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CORAM : ARUN R. PEDNEKER, J.

Dated : August 14, 2025.

PER COURT :-

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

2. The applicant seeks bail in connection with FIR No.427/2024, registered with Jawahar Nagar Police Station, District Chhatrapati Sambhajnagar, for the offences punishable under Sections 316(2), 318(4), 316(5), 336(2), 336(3), 338, 340(2), 61(2), and 3(5) of the *Bharatiya Nyaya Sanhita*.

3. The facts of the case are noted in the order dated 23/07/2025, passed in Bail Application No. 1105/2025, filed by the co-accused, and are as under :-

"3] It is the case of the prosecution that informant is serving as Sport Officer in the Department of Sports and Youth Services at Aurangabad. Since the year 2022, his department has hired employees on contract basis from outsourcing agency M/s. Disha Facilities Pvt. Ltd. for daily maintenance and management work. Accused No. 1 - Harshkumar Kshirsagar was appointed as Computer Operator and thereafter in the year 2023 accused No.2 Yashoda Shetty was appointed as Accounts Clerk. Both of them were appointed through outsourcing agency M/s. Web Multi Services on contract basis for their

daily official work i.e. clerical, accounts, administrative etc. Along with them, in all 19 other employees were also appointed. There is bank account of said department in Indian Bank in which Government funds were being deposited. It is alleged that during the period from 4.6.2024 till 7.12.2024 accused Nos. 1 and 2 fabricated email ID of the office by forging letter of Superior Officer and thereby transferred amount of Rs. 21,59,38,287/- in their account from the account of their department and thereafter transferred the same in the account of different persons.”

4. The learned Counsel for the applicant submits that the applicant is the girlfriend of the main accused No.1 and that she has received various amounts in her account. However, the said amounts were utilized by accused No.1 for purchasing properties. In any event, it is submitted that the properties standing in her name have been attached by the prosecution, and as such, there is no incriminating material against her. The applicant was arrested on 28/12/2024, and her further custodial interrogation is not required.

5. Learned APP has drawn attention to Sections 61(2), 45, and 3(5) of the *Bharatiya Nyaya Sanhita* and submitted that the applicant is equally responsible as the main accused for the misappropriation of Government funds. It is alleged that the accused No.1 took control of the account of the Divisional Sports Complex Committee Office and siphoned off amounts from it. Part of the misappropriated funds were allegedly utilised for purchasing jewellery and two house properties in the applicant's name. The

properties are seized. Certain shop premises have also been attached. The learned APP contends that the role of the applicant is identical to that of co-accused No. 1. It is further alleged that the applicant, being the spouse/girlfriend of the main accused, was residing with him, and therefore it can be presumed that both acted in concert to misappropriate the funds of the Sports Complex Committee by taking control of its account.

6. Considering the submissions of both sides, it is to be noted that there is no material to show that the applicant was directly involved in the primary offence of creating the fake account or taking control of the Divisional Sports Complex Committee Office bank account. The allegation against her is that she is the girlfriend / spouse of the main accused and a recipient of a substantial part of the defalcated funds, which were allegedly utilised to purchase properties and jewellery. These assets have been seized or attached. The learned Counsel for the applicant further submits that the applicant will not create any third-party interest in the properties mentioned hereinbelow : -

- (i) Flat No.9-B, Siddhant Apartment Alok Nagar, Chhatrapati Sambhaji Nagar,
- (ii) Four BHK Flat No.401, D-1 Building in 'My World' at Chikalthana, Aurangabad,
- (iii) Shop -01, B - Wing, Ground Floor, 'Golok Dham', Warad Kazi, Jalna Road, Aurangabad, And

(iv) one vehicle SKODA SLAVIA.

7. The applicant is in custody since 28/12/2024. The major part of the amount received by her has been recovered. There are no criminal antecedents against her. In these circumstances, and considering her role of receiving stolen / misappropriated amount from the account of Sports Complex Committee Office and the same being substantially recovered, the applicant is entitled for bail.

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

ORDER

- (a) The application is allowed.
- (b) The applicant shall be released on bail in connection with FIR No.427/2024, registered with Jawahar Nagar Police Station, District Chhatrapati Sambhajnagar, on her executing a PR bond of Rs.30,000/- with one or two sureties in the like amount, to the satisfaction of the trial Court.
- (c) Upon release on bail, the applicant shall not contact the informant in any manner during the pendency of the trial.
- (d) The applicant shall co-operate with the trial Court and attend each hearing, unless exempted by the trial Court.

(e) The applicant shall not tamper with the prosecution evidence or influence the informant, witnesses, or any other persons concerned with the case.

(f) The applicant shall furnish to the trial Court her contact number and residential address and update the same in case of any change.

(g) The applicant – Arpita Sunil Wadkar shall not dispose of or deal with any of the properties which stands in her name.

9. In the event of breach of any of the above conditions, the bail granted to the applicant shall be liable to be cancelled.

10. It is clarified that the observations made herein are limited to the disposal of this bail application. The trial Court shall proceed on its own merits, uninfluenced by these observations.

11. The application stands disposed of accordingly.

(ARUN R. PEDNEKER, J.)

vj gawade/-.