IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1368 OF 2026

AMIT RAJENDRA JAISWAL
VERSUS
THE STATE OF MAHARASHTRA

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Mr. D. R. Kale, Advocate for Applicant.
Mr. D. J. Patil, APP for Respondent – State.

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CORAM : HITEN S. VENEGAVKAR, J.

DATED : 07th OCTOBER, 2026

ORDER :

1. The applicant - Amit Rajendra Jaiswal seeks regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No. 422 of 2026 registered with MIDC Police Station, Jalgaon, for the offences punishable under Sections 318(4), 336(3), 338, 340 and 61(2) of the Bharatiya Nyaya Sanhita, 2023. He was arrested on 15th May, 2026. His application for bail was rejected by the learned Additional Sessions Judge, Jalgaon, on 23rd June, 2026. The charge-sheet has been been filed.

2. The prosecution states that the informant Kunal Ravindra Naik came in contact with co-accused Swapnil Jaiswal through Gajanan Patil. Swapnil represented that he was employed in the Public Works Department at Mantralaya and could secure

Government employment through his acquaintance with senior officers. He allegedly displayed a Government identity card and used a vehicle bearing a Maharashtra Government board. The informant's brother Chetan and cousin Nikhil were seeking employment. Swapnil offered to secure appointment for Chetan as Naib Tahsildar for Rs.30 lakh and for Nikhil as Assistant Engineer for a further Rs.25 lakh. Swati Junagade was introduced as a person who would attend to the recruitment formalities and follow up the work at Mantralaya.

3. The prosecution further states that on 29th January, 2021, Swapnil, the applicant and the accompanying family members visited the informant's residence, where Rs.30 lakh in cash was handed over to Swapnil and the applicant in presence of Gajanan Patil. A further amount was thereafter paid for Nikhil's appointment, and Rs.50,000/- was transferred to Swapnil on 22nd May, 2023 towards preparation of a service book. The total amount alleged in the first information report is Rs.55,50,000/-. The candidates were taken for medical examination, and appointment orders, identity cards and other papers purporting to be Government documents were supplied to maintain their belief that the appointments were being processed. The accused continued to explain the delay by referring to the pandemic, administrative

formalities and, subsequently, the Assembly elections. When the applicant was questioned, he allegedly assured the informant that even if Government employment was not secured, he would arrange employment in a bank. Neither the promised appointments nor repayment followed. Other persons have also stated that money was collected from them on similar representations.

4. Learned Advocate for the applicant submits that the representations concerning employment at Mantralaya and influence with Government officers were made by Swapnil and Swati. The applicant did not pose as a Government officer, display a Government identity card or prepare any forged appointment order. His presence with his brother, according to the learned Advocate, has been given undue importance, and the witness statements substantially repeat the same allegations without identifying an independent act of impersonation or forgery by him. It is submitted that the assurances regarding repayment were given when persons approached him for the return of money paid to his brother and do not establish that he received the money for his own benefit.

5. Learned Advocate for the applicant further submits that Swapnil had complained to the police against Swati on 10th

February, 2026, before registration of the present crime, and that the applicant's family was itself deceived by her. The property transactions, it is submitted, have a legitimate explanation. The applicant's father sold property in 2018, after which Swapnil undertook the business of purchasing and selling properties. The sale deeds are relied upon to explain the financial dealings. The learned Advocate submits that, so far as the applicant is concerned, the allegation would, at the highest, amount to cheating, punishable with imprisonment extending to seven years. He has no criminal antecedents, is a permanent resident of Jalgaon and is willing to abide by conditions. The investigation having been completed and the applicant having remained in custody for nearly five months, his further detention is stated to be unnecessary.

6. Learned APP for the respondent-State opposes the application and submits that the applicant's involvement was not confined to accompanying his brother on one occasion. Several witnesses place him at the collection of money. He also assured the persons concerned that he would repay the amounts if Swapnil failed to complete the work, or would arrange employment in the bank where he was working. The learned APP refers to the cheques issued by the applicant to Gajanan Patil and submits that his conduct must be considered along with the original collections. He

further relies upon the applicant's banking employment, the accounts operated by the family and the substantial financial and property transactions referred to in paragraph 6 of the State's reply. According to the learned APP, the transactions disclosed during investigation involve approximately Rs.1.28 crore, and the material indicates that the applicant participated with the other accused in the alleged scheme.

7. I have considered the submissions and the material placed on record. The applicant's role must be examined on its own merits. His relationship with Swapnil cannot furnish a ground to refuse bail, nor can the amount involved in an economic offence dispense with the usual considerations governing personal liberty. In ***Sanjay Badaya v. State of Rajasthan***, ***MANU/SC/1104/2026***, decided on 29th September, 2026, the Supreme Court reiterated that completion of investigation, the securing of documentary evidence and the prospect of a prolonged trial must receive due consideration even in a serious economic offence. The accusation and the material connecting the applicant with it must therefore be weighed against the need for further detention. This exercise does not require a final determination of the truth of the statements or of the applicant's guilt.

8. Learned Advocate for the applicant submits that he was merely present when his brother dealt with the informant. The first information report, however, expressly states that the payment of Rs.30 lakh was made to both Swapnil and the applicant. This is a specific allegation of receipt of money, and not merely an inference drawn from his presence. Gajanan Patil also states that he paid the balance amount for his proposed appointment to both brothers when they visited his residence. The statements of Vinod and Devendra Anpat describe further occasions when the applicant accompanied Swapnil and Swati to collect money. Ravisha Pawar also attributes receipt of money to both brothers and describes their subsequent visit to collect the balance. These statements concern different transactions and identify the applicant in connection with the collections. Their similarity on the manner in which Government employment was promised does not, by itself, permit them to be disregarded at this stage.

9. The submission that no amount was received in the applicant's own account also requires consideration in the light of Kalim Parvez Tadvi's statement. He states that part of the amount demanded for his proposed appointment was deposited in an account of the applicant at the bank where the applicant worked.

The charge-sheet further refers to a transfer of Rs.1 lakh by the applicant through the account of Janaksingh Gaur. Gaur's statement describes the receipt of amounts in his account and their onward transfer on Swati's instructions, and the corresponding bank statement has been collected. The purpose and ultimate destination of each payment will have to be established at trial. Nevertheless, the material placed on record does not support the submission that the applicant's connection with the monetary transactions is confined to his relationship with Swapnil.

10. Learned Advocate for the applicant submits that the assurances of repayment do not establish participation in the original deception. Considered by itself, an undertaking to discharge a brother's liability would not necessarily establish a dishonest intention. Here, however, the assurance has to be considered with the allegations of receipt of money on different occasions. Gajanan Patil states that the applicant promised repayment and gave him two cheques. The informant also attributes to the applicant an assurance of alternative employment in a bank if the promised Government appointment did not materialise. These circumstances are relevant because the applicant is alleged to have dealt directly with the persons who had paid the money, both at the stage of collection and when they

sought an explanation. Taken together, they prima facie indicate participation beyond an occasional visit with his brother. Whether his conduct admits of the innocent explanation advanced on his behalf remains open for trial.

11. The financial material must be approached with the same care. The applicant has produced sale deeds and an explanation of the family's dealings in properties. The value of those dealings, or a comparison with salary income, cannot alone establish that the properties were purchased from the proceeds of this crime. The charge-sheet, however, also alleges that the applicant opened accounts for his brother and mother using his employee code, supplied his own email address for his mother's account and facilitated transactions through an account opened in her name for a stated business which, according to the investigation, was not being conducted. The opening of accounts for relatives would not by itself be incriminating. Its relevance here arises from the alleged receipts, deposits and movement of the money collected from candidates. The precise aggregate amount is also a matter for evidence; the charge-sheet refers to Rs.1.01 crore, whereas the learned APP has stated a higher figure. The prosecution will have to prove the amounts and their connection with the applicant, and the applicant is entitled to establish his

explanation. For the present purpose, this material has been considered with the witness accounts; it has not been treated as conclusive proof of unlawful enrichment.

12. The complaint made by accused Swapnil against accused Swati before registration of the present crime is a circumstance in favour of the defence which cannot be ignored. That complaint alleges that accused Swati gained the trust of the applicant andaccused Swapnil by showing appointment papers, accepted money for securing employment for accused Swapnil and failed to fulfil that promise. Even accepting that such a grievance was raised before the present FIR, it does not answer the specific statements that the applicant himself received money, dealt with the persons seeking appointments and participated in the related financial transactions. The messages exchanged with Gajanan Patil also reflect the applicant making enquiries with Swati about the pending work and payment. That material is consistent with his attempt to obtain a response from her and has been taken into account. It does not, at this stage, resolve whether he had innocently relied upon her or knowingly participated in the earlier collections. The complaint and the messages require examination with the rest of the evidence. Likewise, the absence of an allegation that the applicant personally made a forged document is relevant

to his individual role, but does not by itself exclude knowing participation in a scheme in which such documents were allegedly used. The charge-sheet includes conspiracy as well as the document-related offences. It would therefore be premature to accept the submission that the prosecution against him necessarily stands confined to cheating punishable with seven years. Equally, the mere invocation of Section 338, which provides for imprisonment for life or imprisonment extending to ten years and fine, is not being treated as sufficient to refuse bail. The applicability of that provision to the documents and to the applicant will have to be examined by the Trial Court.

13. The charge-sheet materially changes the position which existed when the Sessions Court considered bail. Custodial interrogation is no longer the basis for continued detention, and the documents and bank records already collected are in the custody of the investigating agency. The charge-sheet also records that the applicant's mother was proceeded against on notice under Section 35(3) of the BNSS. I therefore do not proceed on the earlier description of her as absconding, or attribute a likelihood of absconding to the applicant because of her conduct. The applicant's residence, absence of criminal antecedents and willingness to comply with conditions have been considered. The case

nevertheless rests also upon the accounts of several persons with whom the applicant allegedly dealt directly, and the material against him discloses repeated participation in collections and subsequent financial dealings, rather than a single incidental association. Having considered the nature of these allegations, the material supporting his individual role and the period of nearly five months already spent in custody, I am not persuaded to grant bail at this stage. This conclusion does not rest upon non-repayment of the money, nor does it require the applicant to establish his innocence.

14. The application is accordingly rejected.

15. The Trial Court shall proceed with the case expeditiously and avoid unnecessary adjournments. The applicant is at liberty to seek bail afresh upon a material change in circumstances, including undue delay in the progress of the trial.

16. All observations made in this order are prima facie and confined to the consideration of bail. The Trial Court shall decide the case on the evidence before it, independently of these observations.

(HITEN S. VENEGAVKAR)
JUDGE

Tandale