2026:BHC-AUG:5336

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1687 OF 2025

MANISHA W/O. ANIL KSHIRSAGAR
VERSUS
THE STATE OF MAHARASHTRA
...
WITH BAIL APPLICATION NO. 1381 OF 2025

YASHODA D/O. JAYRAM SHETTY
VERSUS
THE STATE OF MAHARASHTRA
...
WITH BAIL APPLICATION NO. 1694 OF 2025

ANIL S/O. BABURAO KSHIRSAGAR
VERSUS
THE STATE OF MAHARASHTRA
...
WITH BAIL APPLICATION NO. 2061 OF 2025

HITESH S/O. ANANDA SHARDUL
VERSUS
THE STATE OF MAHARASHTRA
...
Advocate for Applicants : Mr. V. S. Wakale, Mr. S. R. Chavan
Mr. A. S. Barlota, Mr. P. S. Rathi,
APP for Respondent : Mr. C. V. Badhane
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 02-02-2026

PER COURT:-

1. In BA/1381/2025, leave to correct the name of applicant. Amendment be carried out forthwith.

2. The applicants seek bail in connection with Crime No.427 of 2024 dated 21.12.2024 registered with Jawaharnagar Police

Station, Chhatrapati Sambhajinagar, for the offences punishable under Sections 316(2), 316(5), 318(4), 336(2), 336(3), 338, 340(2), 61(2), 45 read with Section 3(5) of the *Bharatiya Nyaya Sanhita, 2023 and Section 66(C) of the Information Technology Act, 2000.* In the said crime, the applicant - Yashoda was arrested on 22.12.2024 and applicants - Manisha, Anil and Hitesh were arrested on 01.01.2025. After completion of the investigation, the chargesheet has been filed.

3. The prosecution case is that the informant is serving as Sport Officer in the Department of Sports and Youth Services at Aurangabad. Since the year 2022, his department availed services of employees on contract basis from outsourcing agency M/s. Disha Facilities Private Limited, for daily maintenance and management work. Accused No. 1 was appointed as Computer Operator and thereafter in the year 2023, accused No. 2 was appointed as Accounts Clerk. Both of them were appointed through outsourcing agency 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.

4. The bank account of said department in Indian Bank in which Government funds were deposited. It is alleged that during the period from 04.06.2024 till 07.12.2024 accused No. 1 and accused No.2/applicant 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 including accused No.11.

5. The learned counsel for the applicants submits that the applicants were falsely implicated in the alleged offence. Furthermore, as far as amount of Rs.21.60 Crores, is concerned and the applicants have taken loan from accused No.1 for the *bonafide* need.

6. The learned counsel for the applicants submitted that the applicants have not committed alleged offence. The investigation is complete and the charge-sheet is filed. Nothing remains to be recovered at the instance of applicant. As such, further incarceration of the applicant is unjustified. Hence, prayed to allow the applications.

7. The learned A.P.P. has opposed the applications, submitting that the offence is serious in nature and that the applicants have indulged in large-scale fraud. If the applicants are enlarged on bail, there is every possibility of tampering with the prosecution evidence. As such, prayed to reject the application.

8. Having heard the respective counsel from both the sides and upon perusal of the material on record, including the charge sheet it is evident that the names of applicants, Manisha, Anil and Hitesh is absent in the FIR. But during the course of investigation, their names came to be added in the chargesheet. Moreover, the applicant, in Bail Application No.1381 of 2025, Yashoda was the contractual employees engaged through an outsourcing agency. A transfer of Rs. 21 Crores from a Government account *prima facie* requires multiple layers of authorization (Digital signatures, OTPs, or physical checks) by permanent Class-I or Class-II officers. The applicant may have been acting under the orders of superiors without knowledge of the fraudulent nature of the instructions.

9. The fraud allegedly took place over 6 months (June to December 2024). The fact that the Indian Bank and the Department's internal auditors failed to flag a discrepancy *prima facie* indicates a systemic failure rather than a conspiracy localized to a junior contract clerk.

10. Apart from aforestated aspects, co-accused No. 4 Arpita Wadkar is already enlarged on bail. As such, on the ground of parity also the request of the applicants for bail warrants consideration. Moreover, the arrest of the applicant Yashoda was effected on 22.12.2024 and the arrest of applicants Manisha, Anil and Hitesh was effected on 01.01.2025. Since then, they are in jail.

The applicants Yashoda and Manisha, are women. As such, the beneficial statutory provisions of Section 480 of the BNSS are available in their favour. Specifically, applicant Yashoda has four children and there is no one else to care for them. This is especially critical as the husband of the applicant/co-accused, in whose account, the money was parked, is also involved in the matter and is already arrested in connection with the crime.

11. The investigation is complete for all intent and purpose, resultantly, the charge-sheet is filed. Having regard to the number of the accused and the witnesses, which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period.

12. As such, further incarceration of the applicants as an under-trial prisoner, in the circumstances of the case, does not seem to be either warranted or justified. I am, therefore, persuaded to exercise the discretion in favour of the applicants. The apprehension expressed by the learned APP can be adequately taken care of by imposing stringent conditions. Thus, I am inclined to exercise discretion in favor of the applicant.

13. Hence, the order:-

ORDER

(i) The bail applications are allowed.

(ii) Applicants, Manisha w/o. Anil Kshirsagar, Yashoda d/o. Jayram Shetty, Anil s/o. Baburao Kshirsagar and Hitesh s/o. Ananda Shardul, be released on bail, upon furnishing P.R. bond in the sum of Rs.1,00,000/- (Rs.One Lakh) each, with one or two local solvent sureties, in the like amount, in connection with Crime No.427 of 2024 dated 21.12.2024 registered with Jawaharnagar Police Station, Chhatrapati Sambhajinagar, for the offences punishable under Sections 316(2), 316(5), 318(4), 336(2), 336(3), 338, 340(2), 61(2), 45 read with Section 3(5) of the *Bharatiya Nyaya Sanhita, 2023 and Section 66(C) of the Information Techonogy Act, 2000,* on the following conditions :-

(a) The applicants shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.

(b) The applicants shall attend the trial on each and every date unless exempted by the trial Court and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.

(c) The applicants shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers and two of the near relatives.

(d) In case of breach of any of the conditions by the applicants, it is open for the Prosecution to move this Court seeking cancellation of bail.

(iii) Needless to state that the observations rendered herein are to the extent of these applications and the trial Court shall not be influenced by the same.

[SACHIN S. DESHMUKH]
JUDGE

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