

(CNR:MHSO010010922026)

**Bail Application No. 359/2026**

Avinash Prakash Bomdyal

Vs.

The State of Maharashtra  
[Jail Road Police Station,  
C.R. No. 88/2024]

**(A) Case Details:**

|                                     |                                                            |
|-------------------------------------|------------------------------------------------------------|
| FIR Number and Date of registration | Crime No.88/2024 dated 05/03/2024                          |
| Police Station, District & State    | Jail Road Police Station, Solapur in State of Maharashtra. |
| Sections invoked                    | Sections 409, 420 read with 34 of Indian Penal Code, 1860. |
| Maximum punishment prescribed       | Life Imprisonment.                                         |

**(B) Custody & Procedural compliance:**

|                                   |            |
|-----------------------------------|------------|
| Whether in Custody                | Yes        |
| Date of Arrest                    | 12.08.2024 |
| Total period of custody undergone | 22 months  |

**(C) Status of Trial:**

|                                                                                        |                                        |
|----------------------------------------------------------------------------------------|----------------------------------------|
| Stage of proceedings (Investigation/ Charge-sheet/Cognizance/Framing of Charges/Trial) | RCC No. 1418/2024<br>Framing of Charge |
| Total Number of witnesses cited in the charge-sheet                                    | 30                                     |
| Number of prosecution witnesses examined                                               | Not yet commenced.                     |

**(D) Criminal Antecedents:**

|                               |                                                    |
|-------------------------------|----------------------------------------------------|
| FIR Number and Police Station | CR 449/2023, RCC No.<br>1644/2025, Sadar Bazar PS. |
| Sections                      | 420, 468, 469, 471, 188, 34<br>IPC.                |
| Status (Pending/Acquitted)    | Pending.                                           |

**(E) Previous Bail Applications:**

|                 |                                         |
|-----------------|-----------------------------------------|
| Court           | Sessions Court, Solapur.                |
| Case No.        | Criminal Bail Application No. 1268/2024 |
| Outcome of case | Rejected on 10.01.2025.                 |

**(F) Coercive Process:**

|                                               |                 |
|-----------------------------------------------|-----------------|
| Whether any non-bailable warrant was issued ? | Not Applicable. |
| Whether declared a proclaimed offender ?      | Not Applicable. |

**ORDER BELOW EXH.1**

This is an application for seeking regular bail under Section 483 of BNSS, in connection with the offenses as described above. The prosecution has filed say below Exh.9 and opposed the application.

02. Heard both sides. Learned advocate for applicant/accused submitted that, applicant/accused was arrested on 12.08.2024. He has been falsely implicated in the offense. There is delay of 1 year 11 months in lodging of FIR. The alleged transaction was done by the accused in his official capacity and with the permission of Commissioner of Textile,

Nagpur. Without giving him an opportunity, the complainant has filed the complaint. No procedure is followed as per the provisions of Maharashtra Cooperative Act. The co-accused is released on bail. The case is totally based upon the documentary evidence and all the documents have been seized by the police. Nothing remained to be discovered or recovered. This successive bail application is filed on the ground of change in circumstances after passing the order of Commissioner of Textile, Nagpur. The applicant is ready to abide by the conditions, if imposed by the Court.

Learned advocate relied on the observations in following cases;

- 1) **Sanjay Chandra vs CBI, (2012) 1 SCC 40,**
- 2) **Chidambaram vs Directorate of Enforcement, (2019)9 SCC 24,**
- 3) **Satendra Kumar Antil vs CBI, (2022) 10 SCC 51,**
- 4) **Arvind Dham vs Directorate of Enforcement, (2026) SCC 7.**

03. On the contrary, learned APP submitted that the first bail application was rejected . The informant has conducted the audit for Solapur Zilla Sahkari Vinkar Federation Niymit Sanstha for the period from 01.04.2021 till 31.03.2022. During said audit, it is revealed that the present applicant and co-accused in furtherance of their common intention, being chairman and board of directors, sold out certain property owned by the Sanstha by accepting consideration amount of Rs. 14 Crores even though the market value is of Rs. 28,35,00,000/-. The offense is very serious. The investigation is in progress as per Section 173(8) of CrPC. The previous application was rejected by the Bombay High Court, Bench at Kolhapur. Hence, prayed to reject the application.

04. I have gone through the record. It is alleged in the FIR that, the present applicant/accused is chairman and others are directors of the Solapur Zilla Sahkari Vinkar Federation Niymit Sanstha. The valuation of

the land acquired by Sanstha is Rs. 28,35,00,000/-. The chairman and directors having knowledge of this in furtherance of their common intention sold the land in Rs. 14 Crores consideration to Shri Elak Pannalal Digambar Jain Pathshala, Solapur and misappropriated the amount. They have also misappropriated the amount Rs. 5,92,993/- which is amount of stone, steel, tins, *etc.*, after destruction of structure.

05. Now it is the contention of learned advocate for applicant that, the allegations are absolutely false. There is delay in filing the FIR. The applicant is behind bar for more than 1 year and 7 months. Other co-accused having released on bail. On the contrary, it is contention of learned APP that the offense is about misappropriation of huge amount and therefore, it is serious in nature.

06. The first bail application was rejected on 10.01.2025. Thereafter, on 02.02.2026 Hon'ble High Court, Bench at Kolhapur, rejected bail application of accused bearing Criminal Bail Application No. 1188/2025. It appears from record that, this successive bail application is filed showing the ground of order passed by Commissioner of Textile dated 09.02.2026. Section 72 of Maharashtra Cooperative Societies Act relates to management of Society and final authority. Though the Commissioner of Textile remanded the order to the Regional Officer for *de novo* inquiry, this cannot be the ground to file successive bail application, when the bail application is rejected by Hon'ble High Court. *de novo* inquiry, as directed by Commissioner of Textile vide order dated 09.02.2026 passed in Appeal No. 81/2025 filed by the applicant/accused against Assistant Registrar, Cooperative Societies and Inquiry Officer, Solapur and Solapur Zilla Vinkar Sahkari Federation, Solapur is reproduced hereunder:

“.....सदर प्रकरण अपीलार्थीविरुद्ध नव्याने चौकशी करण्यासाठी, प्रादेशिक उपायुक्त, वस्त्रोद्योग, सोलापूर यांच्याकडे परत पाठविण्यात येत आहे.”

07. The filing of appeal before Commissioner of Textile and passing order by it referring the matter to Regional Deputy Commissioner Textile cannot be the ground to file successive bail application. It is clear from record that, previously this Court as well as Hon'ble High Court rejected the bail application and therefore, this application is not maintainable.

08. Learned advocate for applicant/accused relied on the observations in the above cases. In the case of **Sanjay Chandra (Supra)** it is observed that, “*the bail is a rule and jail is an exception*”. In the case of **Chidambaram (Supra)** it is observed that, “*seriousness of economic offense alone is not a ground to deny bail*”. In the case of **Satendrakumar Antil (Supra)** it is emphasized grant of bail in case of prolonged custody and delay in trial. In **Arvind Dham (Supra)** Hon'ble Apex Court reiterated that, “*prolonged pre-trial incarceration violates Article 21 and bail should be granted when trial is likely to take time*”. In the present case, as per contents of FIR, the applicant/accused is Chairman of Federation and *prima facie* it appears that, he in furtherance of common intention with other co-accused committed misappropriation by selling land for consideration of Rs.14 Crores though the market value of said land was for more than Rs.28 Crores. This is a serious economic offense committed by the applicant/accused. One of the accused is still absconding.

09. Learned APP has drawn my attention to the observations of Hon'ble Apex Court in the case of **Y. S. Jagan Mohan Reddy vs Central Bureau of Investigation, 2013 Cr.L.J. 2734**, as follows;

*“Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offence having deep rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations.”*

10. The nature of present case definitely affects huge loss of public funds which results in affecting the financial health of country. The accusation against accused is serious one and if the accused is enlarged on bail, definitely there is possibility of tampering with the prosecution case. Though the charge-sheet is submitted before learned JMFC, according to learned APP, the further investigation under section 173(8) of CrPC is in progress. Considering this aspect, as well as rejection of bail application by Hon'ble High Court after filing charge-sheet, I am not inclined to grant this application. In the result, I proceed to pass following order:

### **ORDER**

1. The Criminal Bail Application No. 359/2026 is rejected.
2. Application is disposed of.

Date : 23.06.2026

(D. N. Surwase)  
Additional Sessions Judge,  
Solapur.

**CERTIFICATE**

I affirm that the contents of this PDF file Order/Judgment are same word to word as per the original Order/Judgment.

Name of Stenographer - Nagesh N. Konda (Stenographer Grade - I)

Court - Additional Sessions Judge, Solapur.

Date of order / Judgment - 23.06.2026

Date of order/Judgment - 23.06.2026  
signed by presiding officer.

Judgment/Order uploaded - 23.06.2026  
on