

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 879 OF 2023**

ABHIJIT OMPRAKASH DAYMA

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Ramdas Hake-Patil, for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

PI- Mr. Rajendra Bahirat, EOW Solapur city, present.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 04, 2023

P.C. :

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

2. This is an application for bail in respect of the offence punishable under sections 406, 409, 420, 467, 468, 210 read with 120(B) of the Indian Penal Code (hereafter 'IPC' for short) and sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, registered vide C.R. No.469 of 2019 with Faujdar Chawadi Police Station, Solapur. The date of the FIR is 20/07/2019. The applicant is arrested on 20/07/2019.

3. The applicant was the partner of M/s. Onkar Finance and Mahalingeshwar Finance and he was carrying on business of both the

firms after the demise of his father i.e. accused no. 1- Omprakash Dyma who expired on 23/09/2018. There are in all 11 accused of which accused nos. 3, 6, 7, 8 and 11 are enlarged on bail. The applicant was arrested on 20/7/2019 and is in custody for 4 years. The entire properties of the applicant are the subject matter of attachment. As per the prosecution, the amount involved in the present offence is Rs.8,81,05,750/-. From the accused, the properties which have been attached are to the tune of Rs.6,99,09,895.31/-.

4. The applicant is in the custody for more than 4 years. The investigation is complete. The charge-sheet has been filed. The applicant will face the consequences of the trial which is likely to take a long time to conclude. Further incarceration of the applicant will amount to a pre-trial punishment. The applicant therefore can be enlarged on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Abhijeet Omprakash Dayma in connection with C.R. No.469 of 2019 registered with Faujdar Chawadi Police Station, Solapur shall be released on bail on his furnishing P.R. Bond of Rs.1,00,000/- with one or more solvent sureties in the like amount.

(c) The applicant shall attend the investigating officer of the Faujdar Chawadi Police Station, Solapur police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change. The applicant shall surrender his passport to the trial Court.

5. The application is disposed of.

(M. S. KARNIK, J.)