

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1813 of 2024

Avinash Dattatraya Thombare, Age 35 years,
Occ.Service, R/o.At Post Karkamb,
Tal.Pandharpur, Dist.Solapur.
(Presently lodged in Solapur Jail)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Kuldeep Patil with Mr.Ranjeeth Patil i/by Mr.V.V.Phadtare,
Advocate for Applicant.
Mr.Pankaj P.Deokar, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 21st October 2024

PC :

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.505 of 2023 registered with Pandharpur City Police Station, District Solapur, for the offences punishable under Sections 406, 409, 420, 465, 467, 468, 471, 120(B), 201, 403 r/w 34 of the Indian Penal Code r/w Section 3 of Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 r/w Sections 3, 4, 5 and 6 of The Banning of Unregulated Deposit Schemes Act, 2019.
3. Having gone through the charge sheet and the relevant material collected by the Investigating Officer during investigation it is evident that the Applicant who was working as Manager of Sankalp Nagari Pat Sanstha Limited and on noticing irregularities in

financial matters, he made complaint to the Registrar, Co-operative Societies as well as to the Police. Thereupon inquiry was initiated. However, Applicant has been made accused as he was working as Manager in the said Pat Sanstha. The total amount involved in the alleged offence is around Rs.4.29 crores, out of which it is stated that amount of Rs.1.72 crores was advanced as loan to various persons which can be recovered.

4. In the present matter Applicant is in jail from more than one year and in the mean time on completion of investigation during which all the necessary record and documents were seized, the charge sheet has been filed. Learned APP while strongly opposing the application has pointed out that certain record has been destroyed and therefore Section 201 of IPC is applied against accused persons. He further pointed out that offence u/s.409 of IPC is also registered against accused.

5. Though offence is registered u/s.409 of IPC, the fact that Applicant is the person who made complaints to various authorities including the Registrar, Co-operative Societies as well as to the Police pointing out financial irregularities in the said Pat Sanstha, cannot be ignored. Furthermore, it cannot be ignored that accused no.1 is the Chairman of the said Pat Sanstha who has accepted the responsibility and liability by issuing letter in writing. In that view of the matter, I am of the opinion that further custody of the Applicant is not required. Hence, I pass following order :

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) It is directed that the applicant shall be released on bail in

Crime No.505 of 2023 registered with Pandharpur City Police Station, District Solapur, for the offences punishable under Sections 406, 409, 420, 465, 467, 468, 471, 120(B), 201, 403 r/w 34 of the Indian Penal Code r/w Section 3 of Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 r/w Sections 3, 4, 5 and 6 of The Banning of Unregulated Deposit Schemes Act, 2019 on furnishing P.R.Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;

(iii) The Applicant shall attend Pandharpur City Police Station, District Solapur, on 1st day of every month between 10.00 a.m and 11.00 a.m till conclusion of trial, except on the date of trial;

(iv) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

(v) Liberty is granted to the State for cancellation of bail if the Applicant breaches any condition or misuses the liberty or commits similar offence;

(vi) The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the trial Court for any reason.

(ANIL S.KILOR, J.)

MST