

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1188 OF 2025

Avinash Prakash Bomdyal ...Applicant
Versus
The State Of Maharashtra And Anr. ...Respondents

Mr. Abdul Quadir S. Auti a/w Mr. Akshay Jagtap, Advocate for Applicant.
Smt. Veera Shinde, APP for the Respondent-State.

CORAM : NITIN B. SURYAWANSHI, J.

CLOSED FOR ORDERS : 27/01/2026

PRONOUNCED ON: 02/02/2026

P.C.

1. By this application, the applicant seeks bail in Crime No. 88 of 2024 registered with Jail Road Police Station, District Solapur for the offence punishable under Sections 409, 420 read with 34 of the Indian Penal Code.

2. Prosecution case in short is that, F.I.R. is lodged at the instance of informant/auditor who conducted audit for the period between 01/04/2021 to 31/03/2022. It is alleged that office bearers have sold the land owned by Solapur Zilla Sahakari Vinkar Federation Niyamit Sanstha ('said society' for short) bearing no. 10437 plot no. 28/B New Pacha Peth, Solapur admeasuring 8100 Sq. Mtrs. without

IRESH
MASHAL

Digitally
signed by
IRESH
MASHAL
Date:
2026.02.02
19:29:33
+0530

obtaining report from the government valuer and without calling tenders, to Ailak Pannalla Digamber Jain Pathshala, Solapur for consideration of Rs. 14 Crores which is less than the government valuation and has caused loss to the society. The building standing on the said land was demolished and amount of sale of scrap was not credited in the account of the said society and was misappropriated. The sale proceeds were misappropriated and utilised for the purposes other than the object of the society, by paying excess dividend to the Chairman and others, excess amount of Rs. 7,26,000/- is shown to have been spent towards meeting expenses. The amount of Rs. 5,00,000/- is paid to the in-charge Manager by passing a resolution. The earnest money of Rs. 5,00,000/- for sale of the remaining land admeasuring 70,000 Sq. Ft. was not deposited in the society account.

3. Learned advocate for the applicant submits that the land was sold after obtaining proper permission. The sale proceeds were distributed amongst Chairman and members as per resolution passed in general body meeting. Therefore, there is no misappropriation. The applicant is in custody since 12/08/2024. Since the charge-sheet is filed, his further custodial detention is not necessary. He further submits that the applicant is 76 years old suffering from blood pressure and he is diabetic and suffering from hearing ailment and

requires continuous medical attention. He, therefore, may be released on bail.

4. Learned APP has strenuously opposed the application stating that even though the market value of the land sold by the applicant and others is Rs. 28.38 Crores, same was sold for the consideration of Rs. 14 Crores. The sale proceeds were distributed amongst the Chairman and Directors and remaining funds are utilised for the payment to the members and for other sundry expenses.

The applicant is involved in the serious crime of misappropriation of huge money by selling the property worth Rs. 28.38 Crores for Rs. 14 Crores. The applicant has misappropriated the amount of poor weavers who were members of the said society.

5. Heard learned advocate for the applicant and learned APP Perused the charge-sheet.

6. During investigation, it was revealed that the applicant, being Chairman has sold the property of the said Society worth Rs. 28.38 Crores for Rs. 14 Crores. Out of the said sale proceeds, the applicant has transferred amount of Rs. 2,34,52,605/- in his individual bank account in the State Bank of India. The sale deed is executed on 31/03/2021, however, resolution permitting the sale is passed on 31/10/2021. It is pertinent to note here that the resolution authorises sale of only 18,000 Sq. Ft. land of the society, whereas the

applicant has sold 8100 Sq. Mtrs. land. The record further reveals that valuation of 18,000 Sq. Ft. land was obtained, however, in fact 8100 Sq. Mtrs land was sold. There are three valuation reports of 18,000 Sq. Ft. land. In first valuation report, the land is valued at Rs. 27,18,32,230/-. In the second valuation report, the land is valued at Rs. 29,76,78,000/- and third valuation report is of Rs. 27,18,32,230/-. All these three valuation reports were obtained in the year 2015 whereas the land is actually sold in the year 2021. Thus, at the time of selling the land in the year 2021, no valuation report was obtained.

7. It further appears from the record that though permission was sought for sale of the land, it was sought only for 18,000 Sq. Ft. and the same was granted, however, in fact, 8100 Sq. Mtr. land was sold. At the time of selling the land in the year 2021, no advertisement was issued and the land was not sold by open tender.

8. Thus, there is voluminous evidence showing complicity of the applicant in the serious crime of misappropriating huge amount of poor weavers who are members of the said society.

9. As per the Investigating Officer, if released on bail, the applicant is likely to tamper prosecution evidence and there is every possibility of applicant fleeing from justice.

10. Taking into consideration the involvement of the applicant in the serious crime of misappropriation of crores of rupees belonging to the poor weavers, gravity of the offence and the material collected during investigation, this Court is of the considered view that this is not a fit case to exercise the discretion in favour of the applicant.

11. The application is therefore, rejected.

(NITIN B. SURYAWANSHI, J.)