

Ganesh from the said temple. The co-accused thereafter contacted one Anand Raimokar, a jeweller who is supposed to know them and used to work for them. They told him that some gold is to be melted and therefore he called him at a particular place. He agreed and he along with the applicant/accused i.e. his brother Ajit Dahale went to the place where he was called. The co-accused handed over the pieces of gold mask of the Lord Ganesh and the gold ornaments. The applicant/accused and his brother Anand Raimokar melted the gold and prepared gold balls of that gold pieces and handed over to the co-accused. They received some gold towards the labour charges. Thereafter, the police recovered gold at the instance of co-accused Anand Raimokar and the applicant/accused along his brother Anand Raimokar were arrested on 28th April, 2012. Hence, this bail application.

3. The learned counsel for the applicant/accused has submitted that applicant/accused has not participated in the offence of actual dacoity or murder. He was called by the co-accused Anand Raimokar. So he went along with him and he being a jeweler helped him for melting the gold. He is innocent and he is to be bailed out.

4. The learned prosecutor has opposed the bail application. He relied on the order of rejecting the bail of one Vikram Bhosale dated 17th June, 2015 by this Court. The learned prosecutor has submitted that this Court has relied on the confession given by co-accused Anand Raimokar i.e. the brother of the applicant/accused that he along with his brother i.e. applicant/accused melted the gold pieces and ornaments. There is recovery of gold. The learned prosecutor pointed out that, in the said confession statement at the end the co-accused has stated that he along with his brother Ajit Dahale used to melt gold for the gang of Vikram Bhosale and therefore he is also made accused under MCOC Act. The learned prosecutor relied on the observation of this Court, that under Section 21 of the MCOC Act, the applicant/accused would not be released on bail as there is no guarantee that he would not commit such similar offence.

5. Perused the first information report and the confession statement of Anand Raimokar and also the order passed by this Court on 17th June, 2015. The incident of dacoity and murder has taken place at Dive-Agar Ganesh temple. Subsequently, the co-accused

decided to melt gold which was stolen and they contacted co-accused Anand Raimokar, a cousin of the present applicant/accused. After going through the confession statement, it appears that directly applicant/accused was not contacted by the co-accused who committed dacoity but Anand Raimokar as he was not having heater contacted the applicant/accused and took him along with him to melt the gold. He also told him that he would get some gold for the labour. He went along with him. It is true that the confession statement is admissible under Section 18 of the MCOC Act. At the end of the said confession statement of Anand Raimokar, he has stated that the applicant/accused and himself used to melt gold for the gang of Vikram Bhosale. Even if the statement is taken as it is, however it does not disclose that the applicant/accused was the member of the said gang who were committing offences of dacoity and murder. The applicant/accused was a receiver of the stolen property and he is in the prison since last three years. There is no criminal antecedents against him. In view of this, I am inclined to grant bail to the applicant/accused.

6. Hence, I grant bail as under:

- a) The applicant/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 50,000/- (Fifty Thousand) with one solvent surety in the like amount;
- b) The applicant/accused shall not indulge in any criminal activity.
- c) The applicant/accused shall not jump the bail and shall attend all the Court dates regularly.
- d) The applicant/accused shall not contact or pressurize the complainant in any manner.

7. The bail application stands disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)