



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 355 OF 2025

Jayesh s/o Sanjay Dahale
Age: 24 years, Occu.: Education,
R/o. Rajabazar, Aurangabad. ..Applicant

Versus

The State of Maharashtra
(Through Shillegaon Police Station,
District Aurangabad) ..Respondent

...
Advocate for Applicant : Mr.Nilesh S.Ghanekar
APP for Respondent : Mr.N.D.Batule

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 26 MARCH, 2025

PRONOUNCED ON : 27 MARCH, 2025

ORDER :

1. Instant application is for enlargement of applicant on regular bail on account of arrest in crime no.0017 of 2025 registered at Shillegaon Police Station, Dist.Aurangabad for offence under Sections 331(4), 305(A), 317(2), 3(5) of the Bharatiya Nyaya Sanhita.

2. Learned counsel submits that applicant is arrested in above crime on 26-01-2025. That, there are allegations of committing theft. He further pointed out that FIR is apparently against unknown person. That, there are allegations of committing theft of cash and gold articles worth Rs.53,85,000/-. According to learned counsel,

applicant was not involved in the episode of theft. That, subsequently, he is arrested on the allegation that he helped and mediated for selling stolen articles to one Prem Kailas Bute. That, such person to whom gold was said to be sold, has already been granted bail and alleged gold is already seized from him. That, applicant is not beneficiary of any amount. That, no further recovery or discovery is to be made from applicant. For above reasons, learned counsel urges to grant of bail.

3. Learned APP opposed application on the ground that applicant was arrested after investigation. That, the goods were stolen and after committing theft, he is part of alleged conspiracy. He further submitted that now chargesheet is already filed and for such reason, application is opposed.

4. Heard. Perused the report dated 18-01-2025 lodged by Ganesh Ashok Kothari, who run a provision store. He alleged that on 16-01-2025, he and his family members went to attend a marriage at Shirdi and returned on 18-01-2025 midnight. On reaching home back, he realized that his house was ransacked and cupboard was open and theft was committed. He reported that cash, gold, silver articles were stolen by gaining entry through window and that

alleged episode has been captured in CCTV Camera. Thus, apparently, it being theft, obviously names are not given by the informant. However, submission is made before this Court that the applicant was not involved in actual act of theft, but he was part of sale transaction with one Prem Kailas Bute and he being given benefit of bail, considering the role of the applicant, when he is not shown to be involved in actual theft and is merely acted as mediator in carrying sale transaction, and further nothing is to be recovered from him, applicant is entitled for grant of relief. Moreover, learned APP has not denied that recovery is already been caused. Therefore, considering the role of the applicant, application deserves to be allowed. Hence, following order is passed. :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant Jayesh s/o Sanjay Dahale be released on bail in connection with Crime no.0017 of 2025 registered with Shillegaon Police Station, District Aurangabad on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE)
JUDGE