IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

934 BAIL APPLICATION NO. 1215 OF 2025

Parmeshwar Rajabhau Dahale
VERSUS
The State Of Maharashtra
...
Advocate for Applicant : Mr. Gangakhedkar Shailendra S
APP for Respondents-State: Ms. P. V. Diggikar
...

CORAM : ARUN R. PEDNEKER, J.
Dated : August 07, 2025.

PER COURT :-

1. Heard the learned Counsel for the applicant and the learned APP for the respondent–State.

2. The applicant is seeking bail in connection with FIR No. 0005/2025, dated 03/01/2025, registered with Parbhani Rural Police Station, District Parbhani, for the offences punishable under Sections 310(2), 311, 64(2)(L), 70(1), 333, 351(3), 351(2) of the *Bharatiya Nyaya Sanhita, 2023*, and under Sections 3(1)(ii), 3(2), 3(4), 3(5), and 2(3) of the *Maharashtra Control of Organised Crime Act* (MCOC Act).

3. The learned Counsel for the applicant submits that no offence under the MCOC Act is *prima facie* made out against the present applicant. He further submits that the applicant's brother, who is involved in several criminal cases, is the main accused. The applicant is merely shown as a co-accused in this case. The applicant, therefore, seeks to be released on regular bail.

4. The learned APP opposes the application and submits that although

MCOC charges are not invoked against the applicant *per se*, he is a co-accused in the main crime. The confessional statement recorded under Section 18 of the MCOC Act will be admissible in evidence agianst the applicant. The learned APP relied on the statement of one witness, Parmanand Prabhudayal Oza, who has alleged that the applicant and his brother were involved in the sale and purchase of stolen gold. However, Parmanand Oza's statement is hearsay in nature, and no other independent material is shown to support it.

5. Having considered the rival submissions, it appears that no offence under the MCOC Act is shown to be made out against the present applicant. His case, therefore, falls to be considered only in respect of the offences under the *Bharatiya Nyaya Sanhita*. The allegation against the applicant is that he was allegedly present at the time when his brother purchased the stolen property. This allegation rests solely on the confessional statement of a co-accused recorded under Section 18 of the MCOC Act. However, no offence under the MCOC Act is invoked against the applicant as such the rigour of Section 21(b) of the MCOC Act would also not come into play while considering the bail application of he applicant. No independent evidence is placed on record to link the applicant directly to the commission of the offence. There is also no recovery made at the instance of the applicant.

6. Considering the nature of the material available on record, the absence of *prima facie* evidence against the applicant, the maximum sentence prescribed for the alleged offences, and the lack of recovery or direct involvement in the offence, this Court is of the opinion that the applicant deserves to be released on bail.

7. In view of the above, the application is allowed in the following terms: -

a] The applicant shall be released on bail in connection with FIR No. 0005/2025, dated 03/01/2025, registered with Parbhani Rural Police Station, District Parbhani, for the offences punishable under Sections 310(2), 311, 64(2)(L), 70(1), 333, 351(3), 351(2) of the *Bharatiya Nyaya Sanhita, 2023*, and under Sections 3(1)(ii), 3(2), 3(4), 3(5), and 2(3) of the MCOC Act, on furnishing a P.R. bond of Rs.30,000/- with one or two sureties of like amount, to the satisfaction of the trial Court.

b] The applicant shall not, in any manner, contact or attempt to contact the informant during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and shall attend each and every date of hearing unless exempted by the Court.

d] The applicant shall not tamper with the prosecution evidence,

nor shall he influence the informant, any witnesses, or any other persons concerned with the case.

e] Upon being released on bail, the applicant shall furnish his contact number and current residential address before the trial Court and shall inform the Court of any change in the same.

8. Needless to state, in the event of breach of any of the above conditions, the prosecution will be at liberty to move for cancellation of bail. It is clarified that the observations made herein are only for the purpose of deciding the present bail application. The trial Court shall not be influenced by these observations while deciding the case on merits.

9. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.