



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

BAIL APPLICATION NO. 1900 OF 2025

RAHUL RAJABHAU DAHALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Shailendra S. Gangakhedkar
APP for Respondent : Ms. D. S. Jape
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 17-12-2025

PER COURT:-

1. The applicant seeks regular bail in connection with FIR bearing Crime No.5 of 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 Bhartiya Nyaya Sanhita, 2023 and Section 3(1)(ii), 3(2), 3(4), 3(5), 2(3) of the Maharashtra Control of Organised Crime Act, 1999. In the said crime, the applicant is arrested on 14.05.2025 and the chargesheet has been filed on 23.07.2025.

2. The prosecution case is that on the night of 02.01.2025, five intruders entered the home of the complainant/prosecutrix, looking for a man, namely, Jeevan. One of the accused assaulted the head of the complainant's husband with an axe. The group stole gold and silver ornaments from the couple and the mother-in-law.

It is further alleged that the complainant was forced into another room, where her clothes were removed. Despite her pleas, three men tied her to a cot and subjected her to sexual assault. The attackers used sticks, a knife to her throat, and bit her body. The ornaments valued around Rs.2,06,000/- were stolen in total.

It is further alleged that the police identified six suspects. Accordingly, the accused came to be arrested by the Investigating agency. Consequently, the test identification parade was conducted and the complainant identified two of them. Eventually, on the statement of one of the accused, the applicant is implicated in handling stolen goods. Subsequently, the applicant, a shopkeeper, was arrested and is in jail.

3. Learned counsel for the applicant submits that the applicant has not committed any offence as alleged by the informant. The name of the applicant is not mentioned in the first information report. There is unexplained delay in lodging the first information report. The only allegation of purchasing the stolen material from one of the accused is against the applicant, on the basis of statement of one of the co-accused. Hence, prayed to allow the application.

4. Learned A.P.P. has opposed the application and vehemently submitted that a strong case is made out under Section 3 of the Maharashtra Control of Organised Crime Act, 1999, being habitual

receiver of the stolen property and assisting the accused persons. The offence is serious in nature. Hence, the applicant may not be granted bail.

5. Having heard both the sides and perusing the papers including the chargesheet, *prima facie*, at this stage, indicates that the allegations pertaining to robbery, rape or beating the injured/husband of the complainant, are not levelled against the present applicant. It is, during the investigation, the name of the applicant is revealed on the basis of statement given by the co-accused for receiving the allegedly stolen property. Thus, in absence of any other material to connect the applicant either with the offences or with assailants, the aspect as to whether such statement is sturdy enough to bear the weight of complicity of the applicant in the alleged offences provides *prima facie* ground for entitlement of the applicant for admitting to the bail.

6. In the aforesaid view of the matter, at this juncture, the material on record, *prima facie*, does not indicate that the applicant committed the aforesaid offences as a member of the organized crime syndicate.

7. The investigation is complete for all intent and purpose, resultantly, the chargesheet is filed. Having regard to the number of the accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and

concluded within a reasonable period. As such, further detention of the applicant as an under-trial prisoner, in the circumstances of the case does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

8. Hence, the following order;

ORDER

- (i) Application is allowed.
- (ii) Applicant Rahul Rajabhau Dahale be released on regular bail, upon their furnishing P.R. bond in the sum of Rs.50,000/- (Fifty Thousand only) with one or two local solvent sureties each in the like amount, in connection with Crime No.5 of 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 Bhartiya Nyaya Sanhita, 2023 and Section 3(1)(ii), 3(2), 3(4), 3(5), 2(3) of the Maharashtra Control of Organised Crime Act, 1999, on the following conditions :-
 - (a) The applicant shall not contact the informant, in any manner whatsoever, during the pendency of the trial.
 - (b) The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

- (c) The applicant shall not tamper with the prosecution evidence and he shall not influence the informant, witnesses and other persons concerned with the case.
- (d) The applicant, upon being released on bail, shall place on record of the trial Court the details of their Contact Numbers and detailed residential addresses with updates in case of any changes.
- (e) In case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.
- (iii) Needless to state that the observations rendered hereinabove are to the extent of consideration of the bail applications and trial judge may not get influenced by these observations and shall consider the case/s on the basis of evidence on record and in accordance with law.

[SACHIN S. DESHMUKH]
JUDGE

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