



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

BAIL APPLICATION NO. 1164 OF 2025

Raosaheb S/o Bhimraj Pagare,
Age : 35 Years, Occu. : Labour,
R/o Padegaon, Tq. Kopergaon,
Dist. Ahmednagar .. Applicant

Versus

The State of Maharashtra .. Respondents

Shri Nilesh S. Ghanekar, Advocate for the Applicant.
Shri A. R. Kale, Addl.P.P. for the Respondent.

CORAM : SHAILESH P. BRAHME, J.
DATE : 24TH MARCH, 2026.

ORDER :

. Heard both sides. Applicant is seeking enlargement on bail in respect of offence bearing Cr. No. 296 of 2023 registered with Shivur Police Station, Dist. Aurangabad for the offences punishable U/Sec. 395, 397 of the Indian Penal Code and Sec. 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act.

2. This is his first attempt for regular bail after filing of charge sheet. His application was rejected by the Additional Sessions Judge – 1, Vaijapur on 13.11.2024.

3. Learned counsel Mr. Ghanekar for the applicant submits

that there is no direct evidence against the applicant. The test identification parade is only piece of evidence. No incriminating role is surfacing against the applicant. No criminal antecedents are recorded against him. Just because co-accused were having criminal antecedents, the provisions of the Maharashtra Control of Organized Crime Act are applied.

4. Learned Additional Public Prosecutor for the respondent – State submits that incriminating material is found against the applicant during the course of investigation. The people were required to chase accused persons who committed assault and riot. It is submitted that applicant is involved in serious offence.

5. I have gone through the charge sheet. My attention is adverted to recovery panchanama, test identification parade as well as list of criminal antecedents of the accused involved in the crime.

6. Applicant is arrested on 09.11.2023. Charge sheet is filed on 04.05.2024. There is sufficient incarceration of the applicant. There is no direct evidence against him. The test identification parade cannot be said to be incriminating evidence at this stage. There are no criminal antecedents against him. I find that case is made out by the applicant for enlarging him on bail. I, therefore, pass following order.

O R D E R

- A. The bail application is allowed.
- B. Applicant – Raosaheb S/o Bhimraj Pagare shall be released on bail in respect of Cr. No. 296 of 2023 registered with Shivur Police Station, Dist. Aurangabad for the offences punishable U/Sec. 395, 397 of the Indian Penal Code and Sec. 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act on furnishing P. R. bond of Rs. 30,000/- (Rs. Thirty thousands only) with one solve surety of like amount.
- C. The applicant shall not tamper the evidence or contact with the prosecution witnesses.
- D. He shall furnish his phone number and address to the Investigating Officer.
- E. Bail application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/March 26