



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

BAIL APPLICATION NO. 2391 OF 2025

DICCHAN TRIMBAK BHOSLE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Shaikh Faisal Naseemuddin
APP for Respondent : Mr. B. B. Bhise

...
WITH
BAIL APPLICATION NO. 1495 OF 2025

SACHIN S/O. SURESH BHOSALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Joyeb I. Shaikh
APP for Respondent : Mr. B. B. Bhise
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 06-01-2026

PER COURT:-

1. Present applications are filed for grant of regular bail on account of arrest of applicants in Crime No.669 of 2021 dated 24.09.2021, registered with Shrirampur City Police Station for the offences punishable under Sections 394, 395, 458 and 120B read with 34 of the Indian Penal Code and Sections 3(1)(ii), 3(2) and 3(4) of Maharashtra Control of Organized Crime (MCOC) Act.
2. The prosecution case is that during the night of 23.09.2021, at about 1.45 a.m., four unknown thieves entered the house by of the informant breaking open the door. They threatened the informant and his family members, causing the informant to

surrender their gold ornaments. The accused then stole the gold ornaments and cash amount of Rs.2,82,000/- from the informant's residence.

3. Learned counsel for the applicants submits that the first information report is apparently against unknown persons, whereas the prosecution has arrayed in all seven accused. The applicants are arrested on 29.08.2025 and 29.04.2022, respectively, and since then they are behind the bars. Learned counsel for the applicants pointed out that similarly placed co-accused are already granted bail by order dated 29.02.2024 and 21.02.2025, therefore, on the ground of parity also, the applicants deserve similar treatment. He further pointed out that chargesheet is already filed. No test identification parade is conducted. The accused are even not produced before the trial Court on given dates. Therefore, there is no immediate chance of commencing the trial and further getting it concluded.

4. Learned APP opposed the applications on the ground that, now trial has already commenced. It is pointed out that co-accused who is released on bail is a goldsmith and had purchased alleged stolen gold. Therefore, his role cannot be equated with the present applicants, who have indulged in the serious crime and have active participation. Hence, it is not open for them to seek parity. Learned APP pointed out that in this case, provisions of MCOC Act are also invoked.

5. Having heard the respective counsel from both the sides and perusal of the material on record, including the charge sheet indicates that apparently, as submitted that the FIR is at the instance of the informant against the unknown persons/thieves for breaking his house in the night of 23.09.2021, and taking away belongings worth of Rs.2,82,000/-. The applicants are shown to be arrested in above crime on 29.08.2025 and 29.04.2022, respectively. Both learned counsel are seeking parity on the ground that co-accused, namely, Ajay, Sameer and Balu, have succeeded in seeking bail by order dated 29.07.2024 and 21.02.2025. In the said order, this Court, in paragraph 5, has primarily taken into consideration the finding of long incarceration. Therefore, relying on the judgment of the Honourable Apex Court, in the case of ***Javed Gulam Nabi Shaikh Vs. State of Maharashtra and others; MANU/SC/0609/2024, dated 03.07.2024***, the applicant/accused were granted bail.

6. The present applicants are also arrested in the above crime and the prosecution is not able to demonstrate that there is progress in the trial. No further recovery or discovery is to be made. Though there are criminal antecedents, however, taking into consideration the above prolonged period of pretrial incarceration and when similarly placed accused are already beneficiary of bail, there is no reason to refuse similar relief to the present applicants.

7. Hence, the order:-

ORDER

- (i) The bail applications are allowed.
- (ii) Applicants, Dicchan Trimbak Bhosle and Sachin Suresh Bhosale, be released on bail, upon furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) each, with one or two local solvent sureties, in the like amount, in connection with Crime No. 669 of 2021 dated 24.09.2021, registered with Shrirampur City Police Station for the offences punishable under Sections 394, 395, 458 and 120B read with 34 of the Indian Penal Code and Sections 3(1)(ii), 3(2) and 3(4) of Maharashtra Control of Organised Crime (MCOC) Act, on the following conditions :-
 - (a) The applicants shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
 - (b) The applicants shall attend the trial on each and every date unless exempted by the trial Court and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.
 - (c) The applicants shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers of two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicants, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (iii) Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

[SACHIN S. DESHMUKH, J.]