



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 16 OF 2026

GANESH RAMLAL BIWAL
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Chaitanya C. Deshpande
APP for Respondent-State : Ms. P. V. Diggikar

WITH

BAIL APPLICATION NO. 2507 OF 2025

ABHAY ALIAS DADU RAMESH DEVARE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Amol S. Sawant
APP for Respondent-State : Ms. P. V. Diggikar

WITH

BAIL APPLICATION NO. 2519 OF 2025

BHIMA RAMESH DEVARE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Amol S. Sawant
APP for Respondent-State : Ms. P. V. Diggikar

CORAM : SACHIN S. DESHMUKH, J.

Date : 14th January, 2026

ORDER :-

1. The applicants have approached this Court seeking regular bail in connection with FIR dated 18.07.2017 bearing Crime

No. 150 of 2017 registered with Dhule City Police Station, Dist. Dhule for the offences punishable under Sections 302, 120(b), 143, 147, 148, 149, 212, 201, 504 and 506 of the Indian Penal Code, Sections 3/25, 4/25, 7/17 of the Arms Act and Sections 3(1)(i), 3(1)(ii), 3(3) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999.

2. The case of the prosecution is that the applicants, alongwith co-accused, committed the murder of Shaikh Raffiyoddin Shaikh Shafiuddin alias Guddya. On 18.07.2017, at approximately 6:15 a.m., the accused purportedly assaulted the victim with swords and a pistol, resulting in his death on the spot. The informant specifically attributed a sword attack to the accused Vijay Shamrao Goyar alias Bada Papa, noting the presence of his brother, Vilas Goyar alias Chhota Papa. Consequently, the provisions of the Maharashtra Control of Organised Crime Act, 1999 (MCOCA) were invoked against all accused.

3. The learned counsel for the applicant submits that the arrest of the applicants have been effected in the year 2017 and since then, they are in judicial custody. The investigation is complete and the charge-sheet is filed. There are in all 91

witnesses and the trial is not progressing. There is no possibility of the trial being concluded in near further. As such, further incarceration of the applicant is unjustified.

4. The learned counsel for the applicants further submits that the co-accused persons in the offence are enlarged on bail by this Court. Therefore, on the ground of parity, the applicants would be entitled for the bail. As such, it is prayed that the application may be allowed.

5. The learned APP has opposed the application, submitting that the offence is serious in nature and the provisions of the Maharashtra Control of Organised Crime Act (MCOC Act) have been invoked against the applicants. The APP further contended that if the applicants are enlarged on bail, there is a significant risk of tampering with the prosecution evidence. Accordingly, it is prayed that the application be rejected.

6. Considering the submissions of both the sides and perusing the material on record, the arrest of the applicants have been effected in the year 2017. In light of the prolonged incarceration and upon a careful examination of the orders passed by this Court on January 17, 2025 (BA/2099/2024), June 23, 2025

(BA/531/2025), and December 17, 2025 (BA/1963/2025), it is evident that co-accused facing similar allegations have already been released. Equally, the role attributed to the present applicants is commensurate with those already enlarged, the doctrine of parity is squarely attracted.

7. Nevertheless, the investigation of the crime is complete for all intent and purposes. 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.

8. 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 favor of the applicants. The learned APP's apprehension about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions. In that view of the matter, the applicants deserve to be enlarged on bail.

9. Hence, following order is passed :-

ORDER

- (I) Applications are **allowed**.
- (II) Applicants – Ganesh Ramlal Biwal, Abhay @ Dadu Ramesh Devare, Bhima Ramesh Devare, be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) **each** with one or two local solvent sureties in the like amount, in connection with Crime No. 150 of 2017 registered with Dhule City Police Station, Dist. Dhule for the offences punishable under Sections 302, 120(b), 143, 147, 148, 149, 212, 201, 504 and 506 of the Indian Penal Code, Sections 3/25, 4/25, 7/17 of the Arms Act and Sections 3(1)(i), 3(1)(ii), 3(3) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999, on the following conditions :-
- (a) The applicants shall attend each and every date of the Trial Court, unless exempted by the Trial Court.
 - (b) The Applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) The applicants shall submit their Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicants and 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 states 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.)

Omkar Joshi