

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLN. NO. 3730 OF 2025

Sachin Subhash Bhosale
VERSUS
The State Of Maharashtra

WITH
CRIMINAL BAIL APPLN. NO. 22 OF 2026

Ganesh alias Bansi Rangisha Kale
Vs.
The State of Maharashtra

Mr. Kalpesh U. Patil , advocate for the applicant
Mr. Anand S. Shalgaonkar APP for the Respondent-State.

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CORAM : SACHIN S. DESHMUKH, J.
DATE : 13th MARCH 2026.

P.C.

1. The applicants seek regular bail in connection with C.R. No. 82 of 2022 dated 02/03/2022 registered with Umbraj Police Station, District Solapur for offences punishable under Sections 395, 397, 412, 413 of the Indian Penal Code and under Sections 3(i)(ii), 3(2) and 3(4) of The Maharashtra Control of Organised Crime Act, 1999 ('MCOCA Act').

2. Prosecution case is that, complainant namely Pooja Vare was

residing with her family members at Umbraj, Tal. Karad, Dist. Satara. It is alleged that, on 01.03.2022, at 10:30 pm one Pushpa Nani, reached to the Complainant's house for residing overnight. It is alleged that, at 12:00 am after having dinner and watching T.V, the complainant and her family slept. It is alleged that, the complainant and her family members slept in separate bedrooms situated on ground floor and first floor. It is alleged that, about 2:45 am, the complainant heard knocking on the bedroom door, upon which the husband of the complainant opened the door, and noticed that 5 to 6 people holding bamboo sticks in their hands threatened the complainant to hand over the Gold Ornaments on her person. The Complainant alleged that, the accused persons took away the gold ornaments on her person and the gold ornaments from their lockers. It was alleged that, the accused persons even assaulted and forcefully took the gold ornaments from mother-in-law and sister-in-law. It was alleged that, the 5-6 unidentified persons committed dacoity and stole valuable property value of Rs. 5,09,500/-.

3. Learned counsel for the applicants submits that the applicants are falsely implicated in the alleged crime. The applicants are in custody for a considerable period. The trial is likely to take a considerable time to conclude and the co-accused, particularly

Avinash is released on bail by this Court. As such, the applicants being on similar footing are also entitled for bail on the ground of parity.

4. Learned APP has vehemently opposed the application submitting that the offence is serious in nature and the applicants have several cases pending against them. As such, provisions of MCOC Act are invoked. He further expressed the apprehension that if the applicants are released on bail, there is a possibility of threatening the witnesses or evading the trial.

5. Having heard the submissions from both sides and upon perusal of the record including the charge-sheet, prima facie it indicates that the applicants are arraigned as accused for committing dacoity and looting property. There are other pending cases against the applicants and the Special Act i.e. MCOC Act is invoked against them. As such, the provisions of Section 22 of MCOC Act weigh against the applicants.

6. Furthermore, apart from delay in trial, no cogent or sufficient reasons are raised by the applicants for seeking bail. As far as parity is concerned, the perusal of the earlier order indicates that the co-accused was primarily released on the ground of delay in trial. Moreover, the Hon'ble Apex Court in the case of *Sagar Vs. State of*

*U.P*¹ has cautioned against treating parity as a sole ground for bail and has cast a burden upon the Court to consider other relevant aspects while deciding the application for bail.

7. Pursuant to the order of this Court, a report is submitted by the Trial Court stating that the Sessions Case No. 76/2022 is undergoing progress. It is further submitted that a charge is framed and the matter is kept for evidence. As such, the Trial Court is making an endeavour to conclude the trial at the earliest.

8. In view of the aforesaid discussion and considering the that the trial is underway, particularly, the statement of the informant and other witnesses is yet to be recorded, I am not inclined to exercise discretion in favour of the applicants at this stage.

9. Resultantly, the applications stand rejected.

(SACHIN S. DESHMUKH, J.)