

MHAU010065412025



Special Case No.562/2025
State Vs. Ajay & Ors.

ORDER BELOW EXH.07

Applicant/accused Deepak Karamsingh Malke has filed the application for regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in Crime No.50/2025 registered with Satara Police Station, Chhatrapati Sambhajnagar, for the offence punishable under Section 8(c), 22(b), 20(b) (ii), 29 of the Narcotic Drugs and Psychotropic Substance Act, 1985, Section 123, 3(5) of B.N.S. and under Section 18-C, 27 of Drugs and Cosmetic Act, 1940 and under Section 31(ii), 3(2), 3(4) of Maharashtra Control of Organized Crime Act, 1999.

2. To this, Assistant Commissioner of Police, Osmanpura Division, Chhatrapati Sambhajnagar has filed say dated 25.08.2025 addressed to the learned DGP and objected the application for the reasons as mentioned therein and it is prayed that application may be rejected.

3. The learned Advocate Shri. P. M. Bedre for the applicant/accused submit that, during the custodial interrogation nothing is transpired or recovered from this accused to shows his involvement in the alleged offence. No single ingredient is attracted of any alleged act except the words of the accused No.1. No contact, bank transaction revealed during the entire investigation. Pendency of the case against him has no concerned with the alleged offence. He is 63 years old and doing labour work. He is permanent resident. Further detention not required. Hence, it is prayed that the

application may be allowed. He relied upon following citations and FIR.

- 1) *Dinkar Trimbak Tupe Vs. The State of Maharashtra, Bail Application No. 791/2022 dated 27th July, 2022 (The Hon'ble Bombay High Court, Bench at Aurangabad.*
- 2) *Arjun s/o Nimba Gavali Vs. The State of Maharashtra, Criminal Application No. 4374/2016 dated 25th August, 2016 (The Hon'ble Bombay High Court, Bench at Aurangabad)*
- 3) *FIR in Crime No. 279/2025 dated 25.07.2023 Pundliknagar Police Station.*

4. The learned Special Public Prosecutor Shri. S. V. Mundwadkar submit that, the name of the applicant/accused is revealed during the investigation. Provisions of MCOC Act are attracted. If released, he will be absconded, so also there is possibility of tampering and repetition of similar offence. Other offence are registered against him. As such, he lastly prayed that the application may be rejected.

5. Having considered the allegations and submission, it appears that the alleged offence is dated 03.02.2025 and registered on the same day at 17.20 hours. The name of the applicant is revealed in the investigation. The applicant/accused is arrested on 20.03.2025 and at present he is in judicial custody. It appears that the charge-sheet is filed and it shows investigation is over. Indefinite time is required to conclude the trial.

6. Perused the application and the say. Also perused the charge-sheet and documentary material including the statement of the witnesses and panchanama etc. The learned Advocate for the applicant submit that, during the custodial interrogation nothing is transpired or recovered from this accused to shows his involvement in the alleged offence, no contact, bank transaction revealed during the entire investigation, pendency of the

case against him has no concerned with the alleged offence, he is 63 years old and doing labour work, he is permanent resident. After considering it and also considering the entire facts as well as earlier discussion it appears that further detention of the applicant is not necessary. He is ready to abide the conditions.

7. The learned Advocate for the accused/applicant relied upon the citation cited (supra). I have gone through the observations of the Hon'ble Their Lordships therein and considering the facts of the case in hand, I respectfully relied upon them being helpful while deciding the above controversy.

8. After considering it, and also considering the entire facts, it appears that there are just and reasonable grounds to allow the application. The grounds raised by the police authority in the report and in the submission of the learned Special Public Prosecutor are not sufficient to reject the application. As such the applicant/accused is entitled for bail. In the result, I proceed to pass the following the order.

ORDER

- 1) The bail application is allowed.
- 2) Accused/Applicant Deepak Karamsingh Malke be released on regular bail on executing PB of Rs.25,000/- with surety of the like amount in connection with Crime No.50/2025 registered with Satara Police Station, Chhatrapati Sambhajinagar, for the offence punishable under Section 8(c), 22(b), 20(b) (ii), 29 of the Narcotic Drugs and Psychotropic Substance Act, 1985, Section 123, 3(5) of B.N.S., under Section 18-C, 27 of Drugs and Cosmetic Act, 1940 and under Section 31(ii), 3(2), 3(4) of Maharashtra Control

of Organized Crime Act, 1999 on following conditions that,

- i) He shall not tamper with the prosecution witnesses,
- ii) He shall attend the Court dates regularly.

Date : 25.08.2025

(Rajesh D. Patil)
Special Judge & A.S.J.
Aurangabad.