

MHND010014232026 	<u>IN THE COURT OF</u> <u>ADDITIONAL SESSIONS JUDGE-2, NANDED.</u> CRIMINAL BAIL APPLICATION NO. 522/2026 Sambhaji-Vs- State of Maharashtra
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ORDER BELOW EXH. 7

(Date : 04.08.2026)

By this application Ld. advocate for applicant has sought direction to direct investigating officer City Dy.S.P, Nanded investigating Cr. No. 172/2026 registered at Bhagyanagar police station which is shown as cross case.

2. Heard Ld. advocate Mr. D.K. Hande for applicant and Ld. APP for Mr. Bulbule for State. It is the contention of Ld. advocate for applicant that, Cr. No. 172/2026 is cross case, therefore to find out role of the applicant, investigation papers in that case are very much necessary. Accordingly, prayed for said directions.

3. *Per contra*, Ld. APP for the State submitted that, Cr. No. 172/2026 in which provisions of MCOC Act has been invoked and therefore in this case directing particular investigating officer investigating the crime is not necessary. He further refuted submissions of Ld. advocate for the applicant that, it is settled law that in both case and counter case has to be decided by same time, however same is not applicable to bail hearing at investigation stage. Accordingly, he prayed to reject the application contending that, police papers for the purpose to decide this bail application in connection with present crime are available, therefore prayed to reject the application.

4. I have gone through the application. No doubt, it is settled proposition of law that both case and counter case has to be decided

simultaneously by the same court so that to avoid conflicting views. It is to be noted that at the stage of bail Court is not required to go into detailed merits of the case or see exactly whether the party committed crime or not. It is just to find out *prima facie* case against particular accused. It is well settled in case of **Niranjan Singh & Anr vs Prabhakar Rajaram Kharote & Ors decided on 10.03.1980 1980 AIR 785** in which it is held that, detailed examination of evidence, elaborate documentation to be avoided. I may observe that this Court has to decide bail application after going through the FIR, documents, police say and police papers in this crime i.e. Cr. No. 173/2026. Therefore, requirement of giving direction to the investigating officer who is investigating crime no. 172/2026 in related to MCOC Act does not arise. If at all Ld. advocate apprehend or according to him that police papers in respect of counter case are necessary in that event, it is Ld. advocate's call to file copy of FIR in counter case for the perusal of the the Court to show the exact allegations against each other. Therefore, considering a rigor of MCOC Act and stage of investigation in Cr. no. 172/2026 i.e. counter case, I do not find, it is necessary to direct said investigating officer to file paper for the purpose of decision in present bail matter. Accordingly, I proceed to pass following order

ORDER

1. Application (Exh. 7) stands rejected.
2. Keep for final hearing tomorrow.

Date :- 04.08.2026

(T.S. Solankar)
Addl. Sessions Judge-2,
Nanded.

Certificate

I affirm that the contents of this P.D.F. file Judgment are same word to word, as per the original judgment.

Name of Stenographer	:	Muley S.M., Steno Grade-1
Court Name	:	District Judge-2 and Addl. Sessions Judge, Nanded.
Date of Order/Judgment	:	04.08.2026
Judgment signed by Presiding officer	:	04.08.2026
Judgment uploaded on	:	04.08.2026

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