



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 234 OF 2026

Vishnu Mahadev Chate

.. Appellant

versus

The State of Maharashtra & others

.. Respondents

Ms. P. S. Talekar, i/b Talekar & Associates, Advocate for the Appellant.

Mr. A. B. Girase, Public Prosecutor, for Respondent/State.

Mr. P. V. Giri, Advocate (Appointed) for Respondent Nos. 2 to 4.

CORAM : R. M. JOSHI, J.

RESERVED ON : 5th OCTOBER, 2026.

PRONOUNCED ON : 8th OCTOBER, 2026.

ORDER :

1. This Appeal under Section 14A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short "SC ST Act") is filed taking exception to the order dated 23.12.2025 passed by the Special Judge, Beed in Special Case No. 56/2025 rejecting regular bail application filed by the Appellant and for seeking bail in connection with Crime No. 636 of 2024, 637 of 2024, 638 of 2024 registered with Kaij Police Station, District Beed, for the offences punishable under Sections 103(1), 140(1), 126(2), 324(4), 189(2),

191(2), 190, 61(2), 238, 3(5), 308(3)(4), 333,118(1), 115(2), 351(2)(3) of Bharatiya Nyaya Sanhita, 2023 (for short “BNS”), under Sections 3(1)(i), 3(1)(ii), 3(2), 3(4), of Maharashtra Control of Organised Crime Act, 1999, (for short “MCOCA”) and under Sections 3(1)(r)(s), 3(2)(va) of SC ST Act.

2. In short, it is the case of the prosecution that on 9.12.2024 Santosh Deshmukh (deceased) was abducted and taken to the place unknown to his family members. He was assaulted and succumbed to the said injuries. While the deceased person was being abducted, he was accompanied by the cousin brother of the deceased. On the same day First Information Report bearing no. 637/2024 came to be lodged to that effect by the brother of the deceased. Later on, it was found that the deceased died and therefore, offence punishable under section 103(1) of BNS came to be added to the present case. According to the prosecution, on 29.11.2024, a call was received by Sunil Kedu Shinde/official of the Avada Company from the mobile number of the present appellant on which the co-accused threatened the officials of the Avada Company and called upon them to stop work. Later, on the same day when he and another official Shivaji Thopate were present at the project location, around 2.30pm one of

the co-accused namely Sudarshan Ghule came to the project location at Massajog and again threatened to stop the work at Massajog so also other project locations in Kaij, or else fulfill the demand which was made earlier. It was alleged that prior thereto there were threats given by the co-accused to the officials of the said company so also officials were called to meet the co-accused in his office wherein co-accused demanded extortion amount of Rs. 2 crores. It is further case sought to be made out by the prosecution reflected in the Supplementary Statement dated 31.12.2024 of the informant Shivaji Thopte that in the incident dated 6.12.2024, Santosh Deshmukh, Sarpanch of village Massajog, obstructed the accused persons, who went to the company gate to seek stoppage of work and demanded extortion money. On account of the said opposition by Santosh Deshmukh, he said to have been threatened by the co-accused Sudarshan Ghule and others and ultimately abducted and assaulted. He died in the said assault. Subsequent to lodging of the First Information Report, another report came to be lodged by the officials of the company so also supplementary statements came to be recorded during investigation. Afterwards, investigation into these crimes came to be conducted simultaneously and has resulted into filling of common charge-sheet before the competent court. Provisions

of SC ST Act and MCOCA also came to be applied to the present case and after filing of charge-sheet, Appellant moved an application before the Special Court vide Exhibit 74 seeking bail. By impugned order, said application came to be rejected. Hence, this appeal.

3. Learned Counsel for the Appellant submits that here in this case, police conducted investigation into three unconnected incidents and different First Information Reports and submitted single charge-sheet which is not permissible in law. It is contended that this is not a case wherein provisions of MCOCA could be applied for want of any offence being registered against the present Appellant herein before and there being no evidence to show organised activity of a criminal syndicate. She further claims that in none of the reports, Appellant has been named to be the preparator of the crime. She made grievance with regard to the manner in which the entire investigation has been carried out which, according to her, is tainted one and has angle of victimization on caste line involving politics. It is claimed that in respect of incident dated 06.12.2024, there was no report lodged about demand of any money, leave apart by present Appellant but even by co-accused who are allegedly present at the gate of the company. She claims, by referring to the statements recorded

therein, that subsequently, in order to seek involvement of the Appellant, version of the witnesses got changed indicating that the incident dated 06.12.2024 involves extortion as well as opposition by deceased Santosh. According to her, deceased died on 09.12.2024 and as per the statements recorded during the course of investigation, it could be seen that the said incident at the most could be said to have occurred on account of the previous incident occurred between deceased and co-accused who allegedly assaulted him and the same has no connection of whatsoever nature with the incident of 06.12.2024. It is claimed that even in the First Information Report lodged on 06.12.2024, so also subsequent First Information Report of 09.12.2024, there is no reference of present Appellant. She claims that the manner in which investigation has been carried out leaves no room of doubt that this is a case of victimisation and false implication of the Appellant in the crime. According to her, though the statement of co-accused Sudarshan has been recorded under Section 18 of MCOCA, however, in view of retraction of the said statement before the Magistrate, the said statement needs to be kept out of consideration. It is further argued that the statement in the First Information Report so also the initial statement recorded during the course of investigation of the crime

indicate that the incident of death of deceased has no concern with any other accused but to the accused who has allegedly assaulted him. She took serious exception to the manner in which the evidence collected during the course of investigation and even during pendency of this appeal seeking to show Appellant's involvement. It is contended that the CCTV footage allegedly recovered during the course of investigation even though may indicate the present Appellant meeting with some of the co-accused, however, considering the fact that the Appellant is the office bearer of a political party, meeting party workers cannot become incriminating circumstance against him in absence of any further evidence about the said meeting. Insofar as calls between Appellant and officials of Avada company are concerned, it is claimed that the Appellant has business relations with the said company and as such call, if any, cannot be taken as a circumstance against the Appellant. To support this submission reference is made to an email exchanged between parties, which is prior in time of relevant incident. With regard to CDRs and calls between deceased and Appellant, she contends that the Appellant as well as deceased were political personalities and as such they had family relations. She makes solemn statement on instructions that there used to be political relations between the

Appellant and deceased and therefore, the alleged calls dated 06.12.2024 cannot be considered as incriminating circumstance against the Appellant. She drew attention of the Court to the statement of watchman of the company in respect of the incident dated 06.12.2024, pointing out that he has changed his version and the same has helped him getting discharge of his relative with the consent of the informant. Reference is also made to the order passed by the Special Judge indicating discharge being given to one of the co-accused Muley. It is thus her contention that having regard to the evidence collected during the course of investigation, this is not a case wherein Appellant can be kept further in the custody and moreso in view of the fact that there are about 118 witnesses to be examined before Trial Court, there is absolutely no chance of trial getting over within reasonable period of time. On these amongst other submissions, she seeks enlargement of the Appellant on bail. To support her submissions, she places reliance on following cases :-

- (i) Maruti Navnath Sonawane vs. State of Maharashtra
(2022) 2 Bom CR (Cri) 612
- (ii) State of Karnataka vs. Greenbuds Agro Form Ltd. Co.
2021 SCC Kar 12475
- (iii) The State of Maharashtra vs. Manish Vikram Dulgaj
Criminal Appeal No. 616/2024
- (iv) Anshul Dayashankar Sharma vs. The State of Maharashtra

SLP (Cri) No. 3533/2025.

4. Learned Public Prosecutor opposed grant of bail firstly on the ground that offence charged against the Appellant is serious in nature and secondly that there is sufficient evidence on record to accept his complicity in the said crime. As far as issues raised by learned Counsel for the Appellant with regard to conduct of investigation into three different First Information Reports and filing of single charge-sheet and applicability of provisions of MCOCA are concerned, he drew attention of the Court to the order dated 17.12.2025 passed in Criminal Appeal No. 693/2025, in particular, he refers to the findings recorded in Paragraph Nos. 43 to 45 of the said order. According to him, this order of rejection of bail of the co-accused was unsuccessfully challenged before the Supreme Court. He drew attention of the Court to the order dated 26.02.2026, rejecting appeal filed against the said order. It is his contention that having regard to these facts, the argument sought to be canvassed by learned Counsel for the Appellant does not deserve acceptance.

5. He took this Court through the charge-sheet and relevant evidence against the Appellant. According to him, though Appellant

was not present at the time of actual occurrence of the incident in which deceased died, there is sufficient evidence on record to show that the Appellant was part of the conspiracy in killing the deceased. It is his contention that evidence which is available on record needs to be accepted as it is and it would be for the Trial Court to consider the correctness or otherwise thereof. It is his submission that the statements recorded under Section 18 of the MCOCA are admissible in evidence and as such, there is no impediment in considering the same even at this stage since all statements are not retracted. He drew attention of the Court to the statement recorded during investigation indicating that co-accused had demanded extortion amount of Rs. 2 Crores from the concerned company and threatened stoppage of their activities in case demand is not met with. According to him, the incident dated 06.12.2024 was part of said demand and the statements recorded during the course of investigation indicate opposition registered by deceased Santosh to said activities. He drew attention of the Court to the fact that CDRs indicate number of calls made by Appellant to the deceased on 06.12.2024 which, according to him, support the case of the prosecution with regard to connection between incident dated 06.12.2024 and death of deceased on 09.12.2024 and involvement of Appellant therein. He further drew

attention of the Court to the evidence in the form of CCTV footage indicating that the time at which the threatening call was made by the co-accused, they were together and the said call was infact connected by the present Appellant and co-accused also spoke to the official of company. This evidence coupled with incident of 06.12.2026, according to him, is sufficient evidence to indicate involvement of the Appellant in the actual threatening to the company officials demanding money and death of deceased. According to him, exchange of calls between the brother of the deceased and the present Appellant after abduction of the Appellant clearly indicates that the Appellant had complete knowledge of abduction and he had given false assurance to the brother of the deceased for releasing him. This contention of learned Public Prosecutor is objected by learned Counsel for the Appellant contending that infact the calls made by the brother of the deceased till alleged abduction and also after death of deceased indicate that till then, there was no question of Appellant's involvement in the alleged crime. He also relied upon calls between Appellant and officials of the said company indicating that in absence of any business transaction/relations between the parties, there was no

reason for the Appellant to call them. To support his submissions, he placed reliance on following cases :-

- (i) Kavitha Lankesh vs. State of Karnataka and others
(2022) 12 SCC 753
- (ii) Prem vs. State of Maharashtra
2021 SCC Online Bom 5092
- (iii) Zakir Abdul Mirajkar vs. State of Maharashtra & others
2022 SCC Online SC 1092
- (iv) Balasaheb Barku Kolhe vs. State of Maharashtra
2021 SCC Online Bom 1798
- (v) Sagar Balasaheb Gaikwad vs. State of Maharashtra
2021 SCC Online Bom 447
- (vi) Vinod G.Asarani vs. State of Maharashtra
2007 (3) SCC 633
- (vii) Sachin Bansilal Ghaiwal vs. State of Maharashtra
2014 SCC Online Bom 725.
- (viii) The State of Maharashtra vs. Anjanbai Wife of Mohan Dahale
& others, 1997 SC Online Bom 78
- (ix) C. Muniappan and others vs. State of Tamil Nadu
(2010) 9 SCC 567
- (x) Nazir Khan and others vs. State of Delhi
2003 (8) SCC 461
- (xi) DeshDeepak Kumar Vihangam @Deepak Kumar vs. State
of Bihar, 2022(7) SCC 721.
- (xii) Walmik Baburao Karad vs. The State of Maharashtra
Criminal Appeal No. 693/2025.
- (xiii) Walmik Baburao Karad vs. The State of Maharashtra

SLP (Cri) No. 3071/2026

(xiv) Walmik Baburao Karad vs. The State of Maharashtra
Review Petition (Cri) Dairy No. 28895/2026.

Learned Counsel for informant opposed grant of bail and argued on similar line of learned Public Prosecutor.

6. This Court has given thoughtful consideration to the charge-sheet, submissions of learned Counsel for both sides and case laws relied upon.

7. At the outset, it needs to be recorded that the Coordinate Bench of this Court in Criminal Appeal No. 693/2025, while deciding bail application of the co-accused, has dealt with the issues sought to be raised by learned Counsel for the Appellant with regard to consolidated charge-sheet and application of provisions of MCOCA. It would be relevant to take note of the observations made therein :-

“44. Consolidated charge-sheet :- Insofar as filing of the consolidated charge-sheet is concerned, the learned Senior Advocate has failed to point out any specific provision in the Act or the Code of Criminal Procedure for filing the consolidated charge-sheet and/or obtaining permission from the Trial Court for filing the same. In

absence of such provision, it is not appropriate for the appellant to raise such ground. On the contrary, the learned advocate Shri Gaware relied upon the judgment of the Hon'ble Supreme Court in **C. Muniappan and others vs. State of Tamil Nadu, (2010) 9 SCC 567** to point out that clubbing of offences is held to be valid. Shri Girase has also invited attention of this Court to the judgment of Anjanabai (supra) to submit that single charge-sheet in respect of different crimes is permissible in law. In such circumstances, the filing of a consolidated charge-sheet in respect of inter-connected crimes forming part of a single transaction of organised crime cannot be faulted at the bail stage. The legality or otherwise of such consolidation is a matter for trial and does not dilute the prima facie material against the appellant.

54. **Offence under special statute :-** The Maharashtra Control of Organised Crime Act, 1999 is a special statute enacted to combat organised crime, which by its very nature poses a grave threat to public order and the administration of justice. The Hon'ble Supreme Court in **Ranjitsing Brahmajeetsing Sharma v. State of Maharashtra, (2005) 5 SCC 294**, and **State of Maharashtra v. Vishwanath Maranna Shetty, (2012) 10 SCC 561**, has categorically held that the restrictions imposed under Section 21(4) of the Act are in addition to the limitations under Section 439 of the

*Code of Criminal Procedure. The satisfaction contemplated under Section 21(4) is something more than a prima facie view and requires the Court to record a finding based on reasonable grounds. Recently, in **Jayshree Kanabar v. State of Maharashtra, (2025) 2 SCC 797**, the Supreme Court reiterated that liberal considerations applicable in ordinary criminal cases cannot be extended to prosecutions under MCOCA. Therefore, while dealing with bail under the Act, the Court is statutorily bound to apply a stricter and cautious approach, keeping in view the object of the legislation and the societal interest involved.”*

8. Undisputedly, the Hon'ble Supreme Court has refused to cause interference in this order. Having regard to the said fact, this Court does not wish to enter into the said issues and record findings thereon. Suffice it to say that it would be open for the Appellant to raise these issues in appropriate proceedings before competent Court. In considered view of this Court, what is required to be seen at this stage is as to whether there is prima facie evidence to accept involvement of the Appellant in the crime. Keeping in mind the said requirement, the material on record is prima facie assessed for determination of present appeal for bail.

9. In the instant case, admittedly Appellant was not present at the spot of the incident in which the deceased was abducted, assaulted and thereafter succumbed to the said assault. As far as Appellant is concerned, the case against the Appellant rests upon the evidence which according to the prosecution, prima facie indicates he being part of conspiracy in the commission of crime. Though it is sought to be argued on behalf of the Appellant that there is no nexus between the incident dated 06.12.2024 and the act of deceased being abducted and assaulted to death on 09.12.2024, prima facie, perusal of the statements recorded during the course of investigation indicates that on 06.12.2024, the deceased was present at the spot i.e. gate of said company wherein the incident has occurred in which the accused persons by using the name of the Appellant threatened stoppage of the said company. No doubt, in the First Information Report in respect of incident of 06.12.2024, there is no specific reference with regard to demand of any extortion money in order to seek the said stoppage of work, perusal of charge-sheet indicates that there were threats issued to the officials of the said company demanding sum of Rs. 2 Crores in order to permit them to continue with the work. There is evidence in the form of statement of witness of the said company with regard to the phone call received raising

such demand coupled with actual incident of stoppage of work by the co-accused. Charge-sheet further shows that there was email communication between the officials at the site of the said company to the higher officers informing them about such demand and seeking guidance with regard to the threats issued by the accused persons for discontinuation of the work. In such circumstances, merely for the reason that in the First Information Report lodged on 06.12.2024, there is no specific mention with regard to the demand of extortion money, such case sought to be made out by prosecutor cannot be discarded as there is enough evidence to connect the said incident with the previous demand.

10. As far as demand made by the co-accused is concerned, CDR indicates calls between Appellant and the officials of said company so also co-accused. There is evidence to suggest that the Appellant connected call to the official of company and asked co-accused to continue conversation. It is sought to be convinced on behalf of the Appellant that there are business transactions between Appellant and the said company and hence the calls exchanged between them would not become incriminating. As far as this contention is concerned, save and except one Email, there is no other material in

order to show that there was any business transaction between the Appellant and the said company in order to have exchange of phone calls between them.

11. In this backdrop of demand of extortion money and incident of stoppage of work of the company on 06.12.2024, the incident had occurred on 09.12.2024 in which the deceased was abducted by the co-accused. He was forcefully taken to the spot where he was brutally assaulted to death. It is contention of learned Counsel for the Appellant that from the statement of accused person it could be seen that the said incident of assault was outcome of personal disputes between the deceased and some of the accused persons who caused actual assault and has no connection with alleged demand of extortion made by co-accused and alleged opposition thereto by the deceased in the capacity of Sarpanch. The record indicates that there is a video of the said incident of assault however, the said video and transcript thereof does not show the reason for which the deceased was assaulted to death. Merely on the basis of statement of one of the accused persons, which is otherwise not admissible in evidence, it cannot be assumed that the assault was for personal reasons of actual assailants and there was no nexus between the act of

abduction and death of deceased to the previous act of demand of extortion money and his opposition thereto. Needless to say that such observations cannot be made when there are statements of witnesses indicating that even prior to 06.12.2024, the demand of extortion was made and consequent thereto, attempts were made to halt the work of said company. As observed hereinabove, there is material in the form of statements of witnesses showing presence of deceased on the spot on 06.12.2024 and he having opposed to the said activity of accused persons.

12. This fact becomes relevant in view of further evidence brought on record by the prosecution in the form of phone calls between Appellant and deceased on 06.12.2024. Admittedly, there are calls made by the Appellant to the deceased and it is sought to be contended on behalf of the Appellant that both being political personalities, there used to occur exchange of calls between them owing to the family relationship. The evidence on record collected during the course of investigation however, does not support said contention. It is the defence of the Appellant that he used to be in contact with the deceased owing to the family relationship, however, there is absolutely no material on record to indicate so. On the

contrary, except for these calls on 06.12.2024, there are no other calls on record in order to accept the said contention of the Appellant.

13. These calls are required to be taken into consideration in the context of the fact that the incident had occurred on 06.12.2024 at the gate of the company and on the same day number of calls are made by Appellant to deceased which is followed by the incident on 09.12.2024 in which the deceased came to be abducted and assaulted resulting into his death. It is also pertinent to note that the brother of the deceased had made several calls to the Appellant when he came to know about abduction of deceased by co-accused. In this regard though it is submitted that these calls indicate innocence of the Appellant, this Court finds it not possible to accept said contention in view of the other evidence on record and more particularly incident of 06.12.2024 and the phone calls made to the deceased by the Appellant.

14. Apart from the statements of witnesses there is evidence in the form of CDR, CCTV footage etc. Technical evidence like forensic report of the voice sample shows positive result connecting Appellant with the crime. Thus, there is prima facie evidence on record in

order to support the theory of prosecution of conspiracy of killing the deceased in connection with his opposition to the demand of extortion money as well as obstruction sought to be created by the co-accused to the working of said company.

15. Though learned Counsel for the Appellant took serious exception to the manner in which the investigation is sought to be done after filing of application before this Court, the same could be considered only as over zealousness on the part of the Investigating Officer. Needless to say that such further investigation needs no consideration by this Court at this stage.

16. Insofar as discharge of two accused with consent of informant is concerned, firstly the said orders are not subject of challenge before this Court and secondly subsequent conduct even of informant would become irrelevant for the decision of bail application.

17. Suffice it to say that there is enough material in order to prima facie accept complicity of the Appellant in the crime. Having regard to the nature of offence and his severity, this Court finds no reason to allow the appeal. As such, appeal stands dismissed.

18. At this stage, it needs to be recorded that the Hon'ble Supreme Court, while confirming the order passed by the Coordinate Bench of this Court, in case of rejection of bail application of co-accused, has granted liberty to the said accused person to revive request for bail after a period of one year in which case the impugned order will not stand in way of the accused. Similar liberty is granted to the Appellant herein.

19. Fees of the appointed Counsel is quantified at Rs. 10,000/-.

(R. M. JOSHI, J.)

dyb