



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 233 OF 2026

Umesh Ashok Mali

Age: 26 years, Occu.: Labour,
R/o 100, Laxmi Narayan Residency,
Near SMC Awas, Surat (Gujarat)
At present, R/o Motha Maliwada,
Nandurbar

..APPELLANT

VERSUS

1. State of Maharashtra
Through Nandurbar City Police Station
2. Akshay Atmaram Gavali
R/o Dhule Road, Jayanti Nagar,
Tq. & Dist. Nandurbar

..RESPONDENTS

AND CRIMINAL APPEAL NO. 239 OF 2026

Parag Rajesh Raghuvanshi
Age: 25 years, Occu.: Student,
R/o 9/A, Shivaji Colony, Nandurbar,
Tq. & Dist. Nandurbar

..APPELLANT

VERSUS

1. State of Maharashtra
Through Nandurbar City Police Station
2. Akshay Atmaram Gavali
R/o Dhule Road, Jayanti Nagar,
Tq. & Dist. Nandurbar

..RESPONDENTS

....

Mr. G.N. Tirthkar, Advocate for Appellant in APEAL/233/26
Mr. N.N. Desale, Advocate for Appellant in APEAL/239/26
Mr. S.N. Morampalle, A.P.P. for Respondent no.1 – State
Mr. A.G. Jadhav, Advocate for Respondent No.2

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CORAM : ABHAY J. MANTRI, J.
DATE : 04th MAY, 2026

ORAL JUDGMENT :

1. The Appellants / Accused Nos. 1 Parag and accused No. 4 Umesh in both the Appeals, being dissatisfied with the two separate orders dated 31st March, 2026, passed in Criminal Bail Application Nos. 124 of 2026 and 119 of 2026, respectively, by the learned Additional Sessions Judge, Nandurbar, whereby it rejected the applications filed by them in connection with Crime No. 378 of 2026 registered with Nandurbar City Police Station, Dist. Nandurbar for the offences punishable under Sections 109 (1), 189 (2), 191(2), 190, 115(2), 352, 351 (2) (3) and 324 (4) of the Bharatiya Nyaya Sanhita, 2023, (for short, '**BNS**') under Sections 37(1), 37(2) 135 of Maharashtra Police act, 1951 and under Sections 3(1)(r), 3(1)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short, '**SC & ST Act**') have preferred these Appeals.

2. Heard learned counsel for the Appellants, learned A.P.P. and learned counsel for Respondent No. 2 and perused the case papers.

3. It is pertinent to note that learned A. P. P. submitted that the investigation of the present crime has been completed and the Investigating Officer will file the charge-sheet within a week in the Court. Also, nothing

remains to be recovered at the hands of the Appellants. It is to be noted that since 17th March and 19th March, 2026, the Appellants have been in jail.

4. It appears that on 16.03.2026 at about 10.30 pm, an incident took place out of ego satisfaction of Accused No. 1 Parag on a trivial issue of serving food, as such, he called his associates there, and a quarrel took place between the Appellants and others and the Complainant and others, and on the basis of the same, an offence came to be registered against the Appellants and six others. The other six accused were released on bail by the learned Additional Sessions Judge, Nandurbar. However, applications of both these Appellants have been rejected.

5. It further reveals that in the said quarrel, the Informant and two others sustained injuries. Perused the injury certificates. It appears that the Informant / injured sustained two swelling injuries on his left forearm and on the parietal region, the nature of which is simple. Injured – Manoj sustained four injuries, i.e. abrasion and fracture to the right hand. His three injuries are simple, and the fourth is grievous. On perusal of the statement of Manoj, it appears that Appellant / Accused No.4 – Umesh had assaulted him by means of an iron rod and caused injuries to him. Also, it is prima facie evidence that Accused No. 1 called his associates on the spot and picked a fight.

6. Having considered the above facts, it appears that the allegations against Appellant / Accused No. 1 and 4 – Parag and Umesh are serious ones. However, considering that the investigation is complete and I. O. is going to file the charge in the Court in a week, and that no criminal antecedents appear against the Appellants, in my view, it would not be appropriate to detain the Appellants behind bars; however, stringent conditions can be imposed on them while releasing them on bail.

7. Consequently, **both the Appeals are allowed in terms of prayer clauses (C) and (D).**

8. Appellants – accused No. 4 Umesh Ashok Mali and accused No. 1 Parag Rajesh Raghuvanshi be released on bail, in connection with Crime No. 378 of 2026 registered with Nandurbar City Police Station, Dist. Nandurbar for the offences punishable under Sections 109(1), 189(2), 191(2), 190, 115(2), 352, 351(2)(3) and 324(4) of the Bharatiya Nyaya Sanhita, 2023, under Sections 37(1), 37(2) 135 of Maharashtra Police act, 1951 and under Sections 3(1)(r), 3(1)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on they furnishing P.B. and S.B. of Rs.1,00,000/- (Rupees One Lakh) each with one or two solvent surety/ies in the like amount on the following conditions :-

- (i) The Appellants shall not tamper with the prosecution evidence in any manner till conclusion of the trial.
- (ii) The Appellants shall not leave India without prior permission of the Court till the conclusion of the trial.

9. Mr. Arvind G. Jadhav, learned counsel, is appointed by order dated 30th April, 2026 of this Court, to represent Respondent No.2 in both the Appeals. As such, his fees are required to be quantified through the High Court Legal Services Sub-Committee, Aurangabad in accordance with the rules.

10. Both the Criminal Appeals are disposed of.

(ABHAY J. MANTRI, J.)

SSD