



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPEAL NO. 501/2025

Gaurav Bharat Umate Vs. State of Maharashtra and Anr.

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders

Court's or Judge's order

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Mr. Anil Mardikar, Sr. Advocate a/b. Mr. S. A. Kanetkar, Advocate for
Appellant.

Mr. G. S. Umale, A.P.P for Respondent/State.

Ms. Varsha A. Warade, Advocate (Appointed) for Respondent No.2.

CORAM : NEERAJ P DHOTE, J.

DATED : 01.04.2026

1. Heard finally at the stage of admission with the consent of learned Counsel appearing for the parties.

2. This is an Appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the order below Exhibit – 65, passed by the learned Trial Court in MCOC Special Case No.147/2023 on 05.07.2025 rejecting the Application for regular bail.

3. It is the prosecution's case that, on 10.05.2023, Vijay Tole was found missing and, therefore, his brother Gajanan lodged the missing report. During the enquiry, the bicycle of the deceased was seen parked near J. K. Wine Bar. The C.C.T.V. footage of the said bar was analysed. It was seen that, the accused Gaurav Umate (Appellant) and Amit Yadav were seen along with the deceased. The dead body was found in the septic tank in the vicinity of Lohara. The crime bearing No.0682/2023 came to be registered with Awdhutvadi Police Station, District Yavatma for the offence

punishable under Section 396, 302 and 201 of the Indian Penal Code, 1860. The Appellant came to be arrested. The co-accused came to be arrested. The offence punishable under Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, SC and ST Act) and Section 3(1)(i) and 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (MCOC Act) came to be added in the aforesaid crime. On completion of the investigation, the charge-sheet came to be filed.

4. It is submitted by the learned Senior Advocate for the Appellant that, the co-accused namely Fulchand Kasar, Ankush Ramteke, Dipak Puram and Aditya Pali, who are also named by the eye witness as the assaulters are granted bail by the learned Trial Court. The Appellant and co-accused Amit were seen in the C.C.T.V. footages. The Appellant is behind bar for a period of 2 years and 10 months and the trial has not commenced. The Appellant is ready to abide by the conditions and cooperate with the trial Court.

5. It is submitted by the learned A.P.P. and learned Advocate for the Respondent No.2 – Victim that, the weapon used in the crime and the gold ring of the deceased came to be seized at the instance of the Appellant. The Appellant was seen in the C.C.T.V. footages. They submit that, the Appeal be rejected.

6. With the assistance of both the sides, perused the papers on record.

7. Undisputedly, the charge-sheet is filed against six (6) accused persons. The learned Trial Court while rejecting the bail application of the Appellant by the impugned order observed that, there are call records inter se the Appellant and the co-accused showing their connection with each other. The statement of the eye witness is recorded after a period of four (4) months from the date of the incident and the eye witness also named the co-accused, who are granted bail. The charge-sheet shows five (5) offences against the Appellant, out of which he is acquitted in two (2) cases. As the co-accused who are also named by the eye witness as the assaulter are granted bail by the learned Trial Court, the Appellant is entitled for the bail on the ground of parity. Hence the following order :

ORDER

- a] The Appeal is allowed.
- b] The impugned order dated 05.07.2025 passed by the Additional Sessions Judge, Yavatmal is hereby quashed and set aside.
- c] The Appellant - Gaurav Bharat Umate shall be released on bail in connection with Crime No. 0682/2023 registered at Awdhutwadi Police Station, District Yavatmal for the offences punishable under Sections 396, 302 and 201 of the Indian Penal Code, 1860, offence punishable under Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of

Atrocities) Act, 1989 and for the offence punishable under Sections 3(1)(i) and 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999, on executing P.R. Bond of Rs.25,000/- with one (1) solvent surety in the like amount.

- d] The Appellant shall co-operate with the learned Trial Court.
- e] The Appellant shall not enter into the territorial jurisdiction of Yavatmal District (except for attending Court proceedings) for a period of one (1) year from the date of release of the Appellant.
- f] The Appellant shall provide the details of his address where he would be staying and phone number to the Investigating Officer and also to the learned Trial Court.
- g] The fees of the appointed Advocate for the respondent No.2 – Victim is quantified at Rs.7500/-.

The Criminal appeal is disposed of.

(NEERAJ P. DHOTE, J.)