



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

CRIMINAL APPEAL NO. 551/2025

Gyaniram @ Bandu s/o. Chaitram Kirnapure

Vs.

The State of Maharashtra and Anr.

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

Court's or Judge's order

Mr. R. M. Daga, Advocate for Appellant.

Mr. U. R. Phasate, A.P.P. for Respondent/State.

Ms. Neerja G. Chaubey, Advocate (Appointed) for Respondent No.2.

CORAM : NEERAJ P. DHOTE, J.

DATED : 12.01.2026

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 of grant of regular bail.

3. This Appeal is directed against rejection of bail application of the Appellant by the learned Additional Sessions Judge, Gondia in Special (Atrocity) Case No.118/2021 below Exhibit – 429 by order dated 08.10.2025.

4. It is the case of the prosecution that, the Appellant and the co-accused, suspected the deceased to be thief and committed theft of motorcycle and, therefore, he was assaulted. The Deceased succumbed to the injuries. The incident was reported to the Police Station, Dawaniwada, Tahsil Tiroda, District Gondia and Crime bearing

No.134/2021 came to be registered for the offences punishable under Sections 143, 144, 201, 302, 364, 324, 504 and 506 of the Indian Penal Code, 1860 and Sections 3(2)(5), 3(1)(r)(s), 3(2)(5a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Appellant came to be arrested on 04.07.2021.

5. Learned Advocate for the appellant submits that, the co-accused by name Komal Gyaniram Kirnapure to whom similar role of assault is attributed is granted bail by this Court in Criminal Appeal No.735/2024 by order dated 08.04.2025. He submits that the Appellant is entitled for the bail on the ground of parity.

6. The Appeal is opposed by the learned A.P.P. for the State and learned Advocate for the Victim. They submit that the manner of assault was gruesome and, therefore, the appellant is not entitled for bail. However, they do not dispute that the co-accused had been granted bail by this Court.

7. On going through the statement of the witnesses, it is seen that the role attributed to the Appellant is of assault to the victim by use of stick. The same role is attributed to the co-accused by name Komal Kirnapure, who has been granted bail by this Court vide order dated 08.04.2025. This clearly shows that the Appellant stands on the same footing as that of the said accused Komal. Thus, the ground of parity is available to the appellant. Hence, the following order on the same terms and conditions.

a] The Appeal is allowed.

- b] The order passed by the District Judge-1 and Additional Sessions Judge, Gondia below Exhibit – 429 by order dated 08.10.2025 is hereby quashed and set aside.
- c] The Appellant - Gyaniram @ Bandu s/o. Chaitram Kirnapure shall be released on bail in connection with Crime No.134/2021 registered at Police Station, Dawniwada, District Gondia for the offences punishable under Sections 143, 144, 201, 302, 364, 324, 504 and 506 of the Indian Penal Code, 1860 and Sections 3(2)(5), 3(1)(r)(s), 3(2)(5a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, on executing P.R. Bond of Rs.50,000/- with one solvent surety in the like amount.
- d] The Appellant shall not enter into the vicinity of village Lohara, Tahsil and District Gondia till culmination of the trial.
- e] The Appellant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.
- f] The Appellant shall attend the proceedings before the Special Court without seeking any exemption unless there are exceptional circumstances.

- g] The contravention of any of the conditions would lead his cancellation of bail.
- h] The fees of the appointed Advocate for the respondent No.2 – Victim is quantified at Rs.7000/-.

The Criminal appeal is disposed of.

(NEERAJ P. DHOTE, J.)