

Special Case No.147/2023
State ..Vs.. Amit Yadav and others.
(CNR No.MHYA010025332023)

ORAL ORDER BELOW EXH. 113

1. This is an application for bail under section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023.
2. Heard the learned counsel for the accused and the learned A.P.P for the State. Perused the record.
3. It is submitted by the learned counsel for the accused that the role attributed to co-accused Gaurav Umate was serious, and yet, he came to be enlarged on bail. Hence, accused Amit Yadav deserves parity. The statement of eye witness was recorded after four months. Accused Amit Yadav is behind the bars for three years.
4. *Per contra*, it is submitted by the learned APP that this accused is the head of his gang. There is an eye witness to the incident. Parity cannot be considered by this court. There is the possibility of tampering with the evidence.
5. The allegations leveled against the present accused in the charge-sheet are to the extent that he and co-accused Gaurav Umate forcibly carried the deceased by motorcycle, whereafter the deceased was beaten up and was done to death, for the purpose of committing dacoity, with the help of the other co-accused. Witness

Digambar Adhav stated in his statement that this accused and co-accused Gaurav Umate were seen by him, while bringing one person forcibly and beating him, with the help of the other co-accused. There is said to be CCTV footage also, as regards the abduction.

6. As the previous bail application moved by this accused was rejected, only the applicability or otherwise of the rule of parity will have to be taken into consideration.

7. Co-accused Gaurav Umate appears to have been enlarged on bail by the Hon'ble High Court on the ground of parity, with the other co-accused. It was also considered that there were five criminal antecedents against co-accused Gaurav Umate, out of which, he was acquitted in two cases. Insofar as the present accused is concerned, there are as many as 18 criminal antecedents against him. In such scenario, there cannot be any parity *inter se* him and co-accused Gaurav Umate. Hence, the rule of parity is not applicable. Thus, I proceed to pass the following order.

ORDER

The application is hereby rejected.

Date: 24/04/2026
Place: Yavatmal.

(S.U. Baghele)
Special Judge, Yavatmal.