

Darshan Patil

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 3437 OF 2021

Vinesh Yashwant Jethe ..Applicant

vs.

The State of Maharashtra ..Respondent

Mr. Shailendra Singh i/b Mr. Ashish Shukla for applicant.
Mr. S.H. Yadav, APP for respondent.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 29, 2022

P.C. :

- 1.** Heard learned counsel for the applicant.
- 2.** This is an application for bail for bail by the applicant – Vinesh Yashwant Jethe, in respect of C.R. No. 99 of 2020, registered with Aarey Police Station, for the offence punishable under sections 302, 201 and 34 of Indian Penal Code, 1860.
- 3.** The FIR came to be registered on 25/05/2020 and the applicant was arrested on 26/05/2020 at 8.20 p.m. Charge-sheet has been filed. Learned counsel for the applicant

submitted that custody of the applicant is no more required. He further submitted that the applicant has been falsely implicated. According to him, even assuming that the applicant was present, it would be clear from the statement of the child witness that there was a sudden provocation on the part of the victim which resulted in the incident. The statement of the child witness is recorded. The witness is 17 years of age. He has seen the assault. He had seen the applicant assaulting the victim with the wooden rod. The said wooden rod has been recovered. The recovery is at the instance of the applicant. It is further seen that there are 36 injuries on the person of the victim. The learned counsel of the applicant submitted that the injuries inflicted did not cause the death of the victim and that they are mostly in the nature of bruises. It is further submitted that post the incident, the victim had left the spot and thereafter the victim had died which according to the learned counsel for the applicant demonstrates that the applicant is not responsible for his death.

4. I have gone through the post mortem report, which

shows that there are 36 injuries on the person of the victim. The cause of death is shown to be "Cerebral compression as result of blunt cranio-cerebral trauma with evidence of multiple injuries sustained due to assault as alleged (Unnatural)".

5. It is further pointed out that even in the CCTV footage the applicant is seen assaulting the victim. In the circumstances, it is not possible to release the applicant on bail.

6. The application is rejected.

(M. S. KARNIK, J.)