

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.833 OF 2025

Shyam V Bhanushali .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Mr. Karan Gajra a/w. Suchita Sortakke, Advocates for Applicant.
 - Ms. Mahalakshmi Ganapathy, APP for Respondent.
 - Mr. Ajitsingh Rajput, PI, Samta Nagar Police Station.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 26, 2025

P.C.:

1. Heard Mr. Gajra, learned Advocate for Applicant and Ms. Ganapathy, learned APP for Respondent.

2. Applicant is indicted for offences punishable under Sections 115(2), 118(2), 126(2), 3(5), 324(2) of the Bharatiya Nyaya Sanhita, 2023. Applicant admittedly was not present on the spot which is also confirmed by the prosecution. Charge against Applicant is however of conspiracy in carrying out assault.

3. Though Mr. Gajra has informed the Court about the precursor incident with respect to increase in the rate of scrap which may have probably led to the present assault, admittedly Applicant was not present at the incident spot. Hence prosecution shall apprise the Court about the precise role of the Applicant on the next adjourned

date.

4. Though it is informed to the Court across the bar that prosecution would heavily rely on CDR to show that Applicant was in constant touch with the perpetrators of the assault in question of the crime, merely to indict the Applicant on the basis of CDR without any specific corroboration to show his involvement would be far fetched considering the various decisions of the Court.

5. In that case, prosecution will have to show something more than merely CDRs to *prima facie* show complicity of Applicant in the crime. Mr. Gajra has informed the Court that Applicant has two minor children to provide care and support for and they are suffering and therefore present Bail Application be considered. It is seen that Applicant is incarcerated for little less than 2 months after his arrest.

6. Stand over to **12th March, 2025.** To be placed on 'Supplementary Board'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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