

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1820 OF 2025

Mayank Yogesh Jethwa .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Mr. Santosh H. Chari, Advocate for Applicant.
- Mr. Hitendra J. Dedhia, APP for Respondent.
- PSI – S.K. Ghuge, V. P. Road Police Station.

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CORAM : MILIND N. JADHAV, J.

DATE : MAY 02, 2025

P.C.:

1. Heard Mr. Chari, learned Advocate for Applicant and Mr. Dedhia, learned APP for Respondent.

2. Applicant is indicted as Accused No.2 in the present crime alongwith two other co-accused persons. Case of prosecution *prima facie* is on the basis of direct evidence i.e. witness statements recorded which states that Accused Nos.1 and 3 assaulted the victim with a stick.

3. According to Mr. Chari, facts in the present case are such that victim happens to be a alcoholic / drug abuser who used to sit in the vicinity of the building in which Accused Nos.1 and 2 are resident members whereas Accused No.3 is the watchman of the building. He would submit that in so far as role attributed to present Applicant –

Accused No.2 is concerned, none of the witnesses have stated or attributed any specific role whatsoever to him. He would persuade the Court to consider the CCTV footage appended at page Nos.63 and 64 of the Application to contend that even according to the CCTV footage, there is no role whatsoever attributed to present Applicant in the offence.

4. He would submit that since Accused Nos.1 and 2 happened to be residents of building and mere presence of Applicant at the time of occurrence of the alleged incident cannot be attributed to he having been complicit in the said incident or participated in the incident which unfortunately led to the demise of the victim.

5. On the issue of assault he would submit that according to prosecution case it is alleged that, Accused Nos.1 and 3 assaulted the victim with a stick to drive him away from the building after he was committing a nuisance and he retaliated.

6. Learned APP shall take appropriate instructions on the precise role of Applicant and ascertain veracity of submissions made by Mr. Chari, learned Advocate and accordingly apprise the Court on the next adjourned date to enable Court to consider Bail Application of Applicant for grant of bail.

7. Applicant is granted liberty to move the Vacation Court, if so desired.

8. List the Bail Application on 10th July, 2025 for hearing and disposal.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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