

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1952 OF 2025

Ganesh Chinku Yadav .. Applicant
Versus
The State of Maharashtra .. Respondent
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- Mr. Prashant G. Pandey a/w. Dinesh Jadhvani, Ms. Ridhima Mangaonkar and Pramod Sharma, Advocates i/by W3Legal LLP for Applicant.
 - Ms. Shilpa K. Gajare – Dhumal, APP for Respondent.
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CORAM : MILIND N. JADHAV, J.
DATE : MAY 09, 2025

P.C.:

- 1.** Heard Mr. Pandey, learned Advocate for Applicant and Ms. Gajare – Dhumal, learned APP for Respondent.
- 2.** Applicant in the present case is indicted and arrested on 24.08.2024 for offences punishable under Sections 103(1), 109, 189, 190 and 191 of the Bharatiya Nyaya Sanhita, 2023 and Section 135 of the Maharashtra Police Act, 1951.
- 3.** According to the prosecution case out of 16 accused persons, Applicant was one of them and witnesses statements recorded attribute the role to Applicant of he having assaulted the victim by fists and kick blows.

4. Mr. Pandey would persuade the Court to consider two specific grounds at the outset for enlargement on bail of Applicant. He would submit that Applicant was not present at the incident spot when the alleged incident occurred and Applicant has placed adequate material on record to show that he was present at a distance of two kilometers from the scene of crime on the date and time of the alleged incident.

5. That apart, he would submit that Applicant was not informed about the grounds of his arrest when he was apprehended and arrested.

6. One of the another grievance agitated by Mr. Pandey is that prosecution is relying upon CDR *inter se* between all other co-accused persons except the Applicant. He would submit that if a direction is given to prosecution to place on record the CDR and if that is investigated *qua* Applicant it would make the picture clear with respect to presence of Applicant at the scene of crime on the date and time of incident.

7. Prosecution shall consider the aforesaid submissions from the prosecution case and record and accordingly apprise the Court on the same as also about the CDR, *inter alia*, pertaining to Applicant to enable the Court to consider the Bail Application of Applicant.

8. Considering the aforesaid submissions made and also the

request of Mr. Pandey, liberty is granted to learned Advocate for Applicant to move the Vacation Bench.

9. Stand over to **16th July, 2025.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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