

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2036 OF 2015

Vishal Gopal Gohar

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

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Mr. U.S.Malte, Advocate for Applicant.

Mrs. Pratibha Bharad, A.P.P. for Resp. - State.

Mr. S.R.Andhale, Advocate for first informant.

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CORAM : V.M.DESHPANDE, J.

DATE : 5th MAY, 2015

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PER COURT :

1. This is an application for regular bail, since the applicant is arrested in connection with Crime No. 151/2013 registered with police station Tofkhana, Dist. Ahmednagar for the offences punishable u/s 302,326,504,506,143,147,148, 149 of the Indian Penal Code and u/s 37 (1) (3) read with Section 135 of the Bombay Police Act.

2. Heard Mr. U.S.Malte, learned Counsel for the applicant, Mrs. Pratibha Bharad, learned A.P.P. for respondent – State and Mr. S.R.Andhale, learned counsel for first informant.

3. Investigating Officer has already completed entire investigation and charge sheet is filed.

4. During the course of arguments, it is pointed out on behalf of first informant and learned A.P.P. and it is also not disputed by the learned counsel for the applicant that the charge is framed in Sessions Case no. 221/2013 pending on the file of learned Additional Sessions Judge, Ahmednagar and the trial has commenced. Further, the role attributed against present applicant is that he has assaulted deceased Chintu by means of stone. Postmortem report shows that Chintu died due to fracture to the skull. There are eye witnesses in the prosecution case, which clearly attributes role against the present applicant that he has assaulted Chintu by means of stone. Looking to such nature of evidence and the fact that the trial has already commenced, present Criminal Application is rejected.

5. Needless to mention, the aforesaid observations are made purely for the decision of present Criminal Application. Learned Additional Sessions Judge, who will be conducting the trial, shall not get influenced by the aforesaid observations.

[V.M.DESHPANDE, J.]