

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

CRIMINAL APPLICATION NO. 3098 OF 2016

IN

CRIMINAL APPEAL NO. 240 OF 2016

Maroti s/o Mariba Gujalwad ...Applicant

VERSUS

The State of Maharashtra ...Respondent

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Shri S.D.Tawshikar, advocate h/f
Shri V.Y.Patil, advocate for the applicant
Shri D.R.Kale, A.P.P. for respondent

.....

CORAM : S.S.SHINDE

AND

SANGITRAO S.PATIL, JJ.

DATED : 30.08.2016

PER COURT :

Heard learned counsel appearing for the applicant. He invites our attention to the deposition of Dadarao (PW 3)) and submits that in fact Dadarao (PW 3) did not witness the incident. He submits that Dadarao (PW 3) was a chance witness. He further submits that it is quite unnatural that after noticing the incident Dadarao (PW 3) would run away from the place of

occurrence. He further submits that on next day Dadarao (PW 3) approached the President, Tanta Mukti Committee. Therefore, he submits that the evidence of Dadarao (PW 3) itself is not trustworthy and no conviction could have been based on the basis of his testimony. Therefore, he submits that the application for bail deserves to be allowed.

2. On the other hand, learned A.P.P. appearing for the respondent, relying upon the evidence of the prosecution witnesses and the medical officer submits that the evidence of Dadarao (PW 3) gets corroborated in material particulars from the evidence of medical officer. Therefore, he submits that the application may be rejected.

3. We have heard the learned counsel for the applicant and the learned A.P.P. and with their able assistance perused the notes of evidence. The appellant was an under trial prisoner during

trial. Prima facie, it appears that the findings recorded by the Court below are in consonance with the evidence brought on record by the prosecution. It is not desirable to elaborate on the evidence in the appeal filed by the appellant. Suffice it to say, considering the gravity of the offence established against the appellant, no case is made out for grant of bail. The application stands rejected.

4. The Registry shall forthwith send the record and proceedings back to the Registry of the concerned Court. Upon receiving the record, the concerned Court shall prepare the paper book and send it to this Court.

5. Upon receipt of paper book, liberty to mention for early hearing of appeal.

(SANGITRAO S. PATIL, J.)

(S.S.SHINDE, J.)