

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

CRIMINAL APPLICATION NO. 3877 OF 2016

IN

CRIMINAL APPLN/2399/2010

GANESH SUDHAKAR CHOTHE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr R A Tambe

APP for Respondents: Mr S D Ghayal

...

CORAM : V.K. JADHAV, J.

Dated: July 18, 2016

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PER COURT :-

1. Heard the learned counsel for the applicant.
2. The applicant is seeking modification in the observations made by this Court in the order dated 15.7.2010 passed in Criminal Application No.2399/2010.
3. The learned counsel for the applicant has brought my attention towards the observations made by this Court in paragraph No.3 of the order dated 15.7.2010. In paragraph No.3 of the order, this Court has observed that "*Admittedly, premises, from where gas cylinder and machine are seized, belong to the applicant.*"
4. The learned counsel for the applicant submits that,

copy of this order is placed before the Trial Court and the trial Court may draw some adverse inference on the basis of the observations made by this Court while deciding Criminal Application No.2399/2010.

5. Criminal Application No.2399/2010 was filed by the applicant/accused Ganesh Chothe for releasing him on anticipatory bail. At that time, investigation was in progress. It appears that, on the basis of some investigation papers, this Court has formed a prima facie opinion and accordingly made certain observations. Needless to say that, observations in the order while rejecting bail application are prima facie in nature and the Trial Court should not get influenced on the basis of certain observations made by this Court while deciding such application. Needless to say that, the Trial Court is supposed to conclude with the Trial on its own merits and not on the basis of the observations made by this Court while deciding such application.

6. With this observation, Criminal Application is disposed of. Parties to act on an authenticated copy of this order.

(V.K. JADHAV, J.)

aaa/-

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