

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

CRIMINAL APPLICATION NO. 6637 OF 2015

BHARAT @ JUVLYA JAYRAM GAWIT

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Bagul D.S.

APP for Respondents: Mr.U.S.Mote

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**CORAM : N.W.SAMBRE,J.
DATED : 12TH JANUARY,2016**

PER COURT :-

The applicant is seeking regular bail in Crime No.115/15 for offences punishable under Section 307, 326, 143, 147 of IPC and u/s 25(B)(A)(1)(A)(A) of Indian Arms Act.

2] Prosecution story in the case is that the applicant was member of unlawful assembly, who has assaulted the victim by beer and soda water bottles and there was also use of pistol (fire arm) resulting into injury on head and other body parts of the victim.

3] The brother of the victim as such lodged complaint on 22/11/2015 and consequently applicant was arrested.

4] Shri Bagul, learned counsel for applicant would urge that the applicant was not named in the FIR but only because he happened to visit place of incident, he is named as one of the accused persons. He would then urge that his further detention is not necessary as his custodial interrogation is already over.

5] The learned APP opposed the bail application on the ground that the victim has suffered serious injury and was hospitalized and operated upon. According to him, the investigation in the matter is at crucial stage and if the applicant is released on bail, the investigation might get hampered. He prayed that the application be rejected.

6] It is submission of the counsel for the applicant that he is not named in the FIR, which appears to be correct, however, there appears to be sufficient evidence to connect the applicant with crime in question. Apart from above, initially, crime came to be registered in the State of Gujrat bordering the State of Maharashtra. However, subsequent thereto, the same was transferred to the State of Maharashtra. The medical evidence as regards the attack on the victim speaks voluminous about the conduct of the accused persons. Apart from above, the identification parade is yet to be over.

7] In this view of the matter, no case for bail is made out.
Application is rejected.

(N.W.SAMBRE,J.)

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