

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1360 OF 2024

Gabarya @ Subhash Ramesh .. Applicant
Bhosale

Versus

State of Maharashtra .. Respondent

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Mr. Hrishikesh R. Chavan, for the Applicant.

Smt. Mahalakshmi Ganpathy, APP for the Respondent-
State.

...

ARUNA
SANDEEP
TALWALKAR

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ARUNA SANDEEP
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CORAM: BHARATI DANGRE, J.
DATED : 23rd APRIL, 2024

P.C:-

1. The applicant came to be arrested on 27th December, 2019 in connection with the C.R. No. 402 of 2019, wherein on completion of investigation of the case with a charge under section 302, 143, 147, 148, 149 of the Indian Penal Code.

The wife of the applicant- Sampubai Gabarya Bhosale is released on bail by my order dated 7th July 2021 by specifically recording that she is not an assailant though her presence on the spot is clearly made out in the charge-

sheet.

I have categorically recorded that it is her husband i.e. the present applicant Gabarya @ Subhash Ramesh Bhosale who is assigned the role of an assailant.

Upon hearing the learned Counsel Mr. Chavan appearing for the applicant and the learned APP for State and on perusal of the Charge-sheet filed, the role attributed to the present applicant has clearly surfaced. Reading the statements of the witnesses with the post mortem reports of two deceased Namanya Pawar and Aashibai Bhosale, who as per the prosecution case, are not alleged of any provocation but they were seating outside the house, but a false implication in theft case appears to be the reason for assault. The statements of the witnesses though Mr. Chavan want me to brush aside the same on the ground that they are the interested witnesses, clearly point out to the role attributed to the present applicant.

2. Despite being incarcerated since 2019, considering the gravity of the accusation and the incriminating material included in the charge-sheet and for the further reason that the trial has already commenced, I am not inclined to

entertain this application. The same is dismissed.

(SMT. BHARATI DANGRE, J.)