

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

**Criminal Application No.196 of 2015
In
Criminal Appeal No.29 of 2015**

Pintu @ Karbhari s/o Murlidhar Wable. .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. H.D. Deshmukh, Advocate, for applicant.

Shri. K.M. Suryawanshi, Additional Public Prosecutor, for respondent.

**CORAM: T.V. NALAWADE
Smt. I.K. JAIN, JJ.**

DATE : 20th APRIL 2015

ORDER:

1) The application is filed for suspension of substantial sentence and for grant of bail.

2) The appellant is convicted and sentence for offence punishable under sections 302, 307, 326-A, 341, 34 of the Indian Penal. There is evidence like dying declaration showing that present applicant was acting as

associate of main accused Shiwaji. There was motive for offences at least for Shiwaji and one criminal case was already pending. The deceased was supposed to give evidence against Shiwaji in the said case and Shiwaji wanted to prevent him. In addition to dying declaration there is evidence of eye witnesses showing that at the relevant time present applicant Pintu was holding axe. When Shiwaji started assaulting him he first made acid attack and then he took the axe which was handed to him by the present applicant and by using this weapon a blow was given on the neck of the deceased. The injury was of 10 cm x 10 cm x 5 cm and it was on the neck. The medical evidence is discussed by the trial Court and is held that in ordinary course of nature it is sufficient to cause death.

3) The aforesaid material is sufficient to show at least for the present applicant that there was no motive to commit murder but the applicant was actively involved in the incident. He participated in the attack in the aforesaid manner. It is not possible that both the acid container and the weapon were in the hands of Shiwaji. These circumstances show that the witnesses need to be

believed. Though during trial he was granted bail but after the judgment of conviction and in view of the aforesaid evidence which is now on the record, this Court hold that, the applicant is not entitled for bail.

4) The application is rejected.

Sd/-
(Smt. I.K. JAIN, J.)

Sd/-
(T.V. NALAWADE, J.)

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