

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**CRIMINAL APPLICATION NO.1115/2016
IN
CRIMINAL APPEAL (St) NO.874/2015**

Shaikh Nabab Shaikh Khajamiya.
...Applicant..

Versus

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

.....

None present for applicant.
Shri K.S. Patil, APP for respondent.

.....

**CORAM: R.M. BORDE &
K.L. WADANE, JJ.**

DATE: 05.04.2016

ORDER :

1] We have perused the judgment and order dated 22.8.2013 delivered by the Additional Sessions Judge, Ambajogai, holding the applicant - accused guilty.

2] *Prima facie*, at this stage of the proceedings, it would be difficult to conclude that the applicant has no role to play in the alleged crime. The death of deceased has occurred at the house of the applicant and the cause

of death is stated to be asphyxia due to strangulation. There is an evidence of the minor witness apart from extra-judicial confession of the applicant.

3] On *prima facie* consideration of the material brought before the Court, we are of the opinion that this is not a fit case for enlargement of the applicant - accused on bail. The application tendered by the applicant seeking his release on bail stands rejected.

4] The office is directed to ensure preparation of the paper book within six weeks from today. On receipt of the paper book, the appeal shall be listed for final hearing.

(K.L. WADANE, J.)

(R.M. BORDE, J.)