

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

Criminal Application No. 5308 of 2016

District : Jalna

Shaikh Akbar s/o. Shaikh Akhtar,
Age : 30 years,
Occupation : Labourer,
R/o. Sanmitra Colony, Partur,
Taluka : Partur,
District : Jalna. .. Applicant.

versus

The State of Maharashtra. .. Respondent.

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Mr. Abhijeet P. Avhad, Advocate, for the applicant.

Mr. S.B. Yawalkar, Addl. Public Prosecutor, for the respondent.

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CORAM : A.M. BADAR, J.

DATE : 19TH OCTOBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 89/2016 registered with Partur Police Station, Taluka Partur, District Jalna, for the offence punishable under Section 302 of the Indian Penal Code, by this application, is seeking his release on bail.

2. Heard the learned Counsel appearing for the

applicant / accused. He argued that the incident took place on 15.04.2015 and the applicant had taken his wife to the hospital. The report came to be lodged on 16.04.2016 as a product of afterthought.

3. The learned Addl. Public Prosecutor opposed the application by contending that there is overwhelming evidence connecting the applicant to the offence punishable under Section 302 of the IPC.

4. Perused papers of investigation including post mortem report of Rihana. The applicant is her husband. They were residing together in the rented house of Shaikh Lalmiya Aajmoddin Bagwan at Sanmitra Colony, Partur. Informant Afsarkha Kabirkha Pathan is father of Rihana. He along with his family was also residing in the same locality.

5. Post mortem report shows that there were several injuries on person of Rihana apart from finger mark on her neck. She died because of asphyxia due to throttling.

6. Informant Afsarkha Pathan, his wife Mahfijabi, son Amjat as well as several other witnesses are eye witnesses to the incident in question. They peeped inside the room from gap of the door to see the applicant throttling his wife Rihana.

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

8. The Application is accordingly rejected.

(A.M. BADAR)
JUDGE

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