

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

CRIMINAL APPLICATION NO. 2081 OF 2017

Abdul Karim @ Babu
s/o Manzur Ahmed Ansari
and another ... Applicants

VERSUS

The State of Maharashtra ... Respondent

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Mr. Shaikh Mazhar A. Jahagirdar, advocate for the
applicants
Mr. S.J.Salgare, A.P.P for respondent

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CORAM : K.L.WADANE, J.
DATED : 15th JUNE, 2017

O R D E R :

Heard the learned counsel for the
applicants and the learned A.P.P. for the
respondent/State.

2. This Application is filed by the
applicants under the provisions of Section
439 of the Code of Criminal Procedure. It is
alleged that on 18/03/2016, the applicants
and other persons assaulted husband of the
informant namely Shahensha by means of

wooden logs and iron rods, due to which he was admitted in the hospital and subsequently succumbed to the injuries sustained during the incident.

3. Perused the First Information Report and the dying declaration of the deceased dated 22/03/2016 and the statements of four eye-witnesses. On perusal of the same, it appears that when the deceased went towards Dargh on 18/03/2016, at that time the present applicants and other accused persons came there with iron rod and wooden logs and assaulted him. Thereafter they carried the injured to his home where also they assaulted the injured by means of wooden logs and iron rod. It is further came on record that the applicant - Babu Ansari had illicit relations with the first wife of the deceased. On perusal of the Post-mortem

report, particularly the contents of para 17, it is seen that the deceased received almost 16 injuries including compound fracture of lower 1/3rd of shaft of right tibia and fibula and compound fracture of lower 1/3rd of shaft of left tibia. The location of the injury corresponds with the area where the assault was made by all accused persons.

4. Considering the fact that there is direct evidence as well as the role of the accused persons, as stated by the deceased in his dying declaration, supported with the contents of post-mortem report, the applicants are not entitled for bail.

5. The Criminal Application is rejected.

(K.L.WADANE, J.)