

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

CRIMINAL APPLICATION NO. 2306 OF 2017

Bharti Shersing Tamchikar, Age
34 years, Occ. Household, R/o. ... **Applicant**
Kanjarbhat Wasti, Ghulewadi,
Sangamner, Tq. Sangamner, Dist.
Ahmednagar.

VERSUS

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

Mr. R.K. Temkar, Advocate for the applicant
Mr. A.D. Namde, APP for the respondent/State.

CORAM : K. L. WADANE, J.

DATE : 22nd June, 2017

ORDER:

1. Heard Mr. Temkar, learned counsel for the applicant and Mr. Namde, learned APP for the respondent/State.

2. This is an application under section 439 of the Code of Criminal Procedure in connection with Crime No. 01/2017, registered with Sangamner Police, District Ahmadnagar, for the offence punishable under section 302 read with section 34 of the

Indian Penal Code.

3. The complainant Shahabai Pawar alleged that, deceased was having good relations with the applicant and the applicant had borrowed an amount of Rs. 2,00,000/- from the deceased. It is further alleged that, prior to one month of the complaint there was quarrel between applicant and the deceased. It is further alleged that, on 02.01.2017, in the evening, the applicant had accompanied the deceased to her house. At about 11.30 p.m. her two grand-sons came to her house and disclosed that their mother died. Thereafter, the complainant along with her husband went to the house of the deceased and noticed that deceased lying in pool of blood. On the basis of the information given by the complainant, offence came to be registered, as referred above.

4. During the course of arguments Mr. Temkar learned counsel appearing for the applicant points out the statement of one Rajendra Kadam, from which, it is seen that the deceased was having love affair with that witness Rajendra. He further points out

from the statement of Bharat Shinde that, one person by name Taqdir Tamchikar seen running away from the spot of incident.

5. Learned APP by referring the statement of two sons of the deceased namely; Prathamesh and Yash, stated that, these two children have actually seen the incident and the involvement of the present applicant.

6. The statement of above two witnesses are very much clear, from which, it appears that, the present applicant was involved in the offence. Further more, from the contents of postmortem report it appears that, there were stab wounds and six incised wounds, particularly mentioned in column No. 17, on the person of the deceased. From which prima-facie it appears that, the deceased died due to homicidal death. Therefore, if the statement of these two witnesses i.e. Prathamesh and Yash is read coupled with contents of the postmortem report, prima-facie it is seen the involvement of present accused-applicant in the commission of the crime. In view of the above, the applicant is not entitled for the

bail. Hence, following order :

O R D E R

The application is rejected.

(K. L. WADANE, J.)

mkd/-