

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

CRIMINAL APPLICATION NO. 2322 OF 2017

Jafir Habib Ansari **... Applicant**
Age 42 years, Occu: Labour
R/o Ray Road Darukhana, in front
of Sujal Hotel Pardhiwada
Zopadpati, Hill Signal, Mumbai-33

VERSUS

The State of Maharashtra **... Respondent**
Through Police Station Kallamb,
Tq. Kallamb, Dist. Osmanabad

Mr. Shivprasad G. Jadhavar, Advocate for the applicant
Mr. A. S. Shinde, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 11th July, 2017

ORDER:

1. Heard Mr. Jadhavar, learned counsel for the applicant and Mr. Shinde, learned APP for the State.
2. This application is filed under section 439 of the Criminal Procedure Code for bail in connection with Crime No.221/2016, registered with Kallamb Police Station, Dist. Osmanabad, for the offences punishable under Section 302 r/w 34 of the Indian Penal Code.
3. One Datta Kisan Chonde lodged complaint to the police station alleging that on 22.10.2016, at about 4.00 p.m. one Aba Choudhari informed him that something happened to Bappa. Then, the informant and his uncle Bhagwat went towards the crushing centre and saw his father lying with big injury to head and blood stained

stone was lying there. Therefore the informant lodged complaint against the unknown persons for committing murder of his father.

4. On perusal of the statement of witnesses particularly, the statement of one Babu Nagnath Shendge, it appears that this witness was proceeding on the road from crushing centre. At that time, two persons were assaulting one person. Therefore he went near, and under the impression that those persons may a drunkard, he ignored their scuffle and went away. Pursuant to the statement of the above, witness, T.I. parade was arranged and in the T.I. parade, this witness Babu Shendge identified both the accused. Furthermore, from the statement of other witnesses, it appears that the deceased was lastly seen in the company of the accused/applicant.

5. Therefore, looking to the above aspect and the fact that accusations levelled against the applicant are of very serious nature, attracting punishment of death or life imprisonment, the applicant is not entitled for bail. Hence the application is rejected.

(K. L. WADANE, J.)

JPC