

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

45 CRIMINAL APPLICATION NO. 2534 OF 2017

BABURAO @ BABAN S/O. SARANG
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Gore Ravindra Vitthal
APP for Respondent State: Mr. S. B. Joshi

CORAM : K. L. WADANE, J.

DATE : 12th June, 2017

ORDER:

1. Heard Mr. Gore, the learned counsel appearing for the applicant and Mr. Joshi, learned APP for the State.

2. The informant one Latabai Garad r/o Borgaon Kale Tq. & Dist. Latur lodged a complaint with Murud Police Station that on 04.12.2016 the present applicant Baban came to bring one Rani who was residing with brother of the informant namely Fulchand at Borgaon Kale. At about 1.30 p.m. when the informant, her husband and some other members were present in the house, the applicant was insisting Rani to accompany him. At that time, the informant instructed Baban to go away. The applicant started scuffle with the informant. Seeing so, brother of the applicant namely Fulchand came there. The applicant started beating

Fulchand. He was assaulting on his chest. Due to the assault, there was blood omitting to Fulchand. Immediately, the injured was taken to Hospital, where he was declared dead.

3. On the basis of the complaint lodged by the informant, Crime No.264/2016 came to be registered against the applicant with Murud Police Station, Tq. Dist. Latur, for the offences punishable under Section 302, 323 of the Indian Penal Code.

4. Learned counsel appearing for the applicant submits that there is experts evidence i.e. medical evidence as well as ocular evidence. Medical evidence states that the Fulchand died due to consumption of alcohol.

5. I have perused the medical papers as well as papers of investigation. It appears that there was assault on the deceased by the present applicant. At this stage, no circumstances are appearing from the record showing as to why the witnesses deposing falsely against the applicant. The applicant has no permanent residence. He is from Beed District and therefore, if he is released on Bail he will abscond. Furthermore, he may tamper with the evidence of prosecution.

6. Considering the nature of accusation and the role attributed to the applicant in the first information report, there is direct allegation against the petitioner. The offence levelled against the applicant is serious and therefore he is not entitled for bail. Hence, the criminal application is rejected.

(K. L. WADANE, J.)

JPC