

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.216 OF 2022
IN APEAL/138/2022 WITH APEAL/138/2022

MADHUKAR RADHAJI FUGNAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Razvi Syed Mubashir Ali
APP for Respondents/State : Mr. P. K. Lakhotiya

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**CORAM : SARANG V. KOTWAL &
BHARAT P. DESHPANDE, JJ.**

DATE : 24th JUNE 2022.

Per Court :

1. This is an application for bail during pendency of the appeal.
2. We have heard the learned Counsel for the applicant.
3. The incident had taken place on 23.05.2016, the allegations are that the applicant committed the murder of his wife, Ashabai. The evidence in this case is circumstantial in nature. The important witnesses are, Nilkanth, the uncle of deceased (PW-1) and Nagorao, the father of deceased (PW-4). The medical evidence shows that there

were two injuries on the dead body. There was contusion on the right leg. The main injury was pressure abrasion in the form of ligature mark over the neck and the cause of death was mentioned as asphyxia due to strangulation. When PW-4 knocked on the door of the house, the Applicant opened the door, he was found inside with the dead body of Ashabai. The dead body was found lying in the house and the applicant had not offered any plausible explanation of his innocence.

4. The prosecution case is that PW-1 has stated that the accused himself had confessed to him that he had caused death of Aashabai. Therefore, at this stage, there is sufficient material against the present applicant. The bail cannot be granted to him, pending Appeal. Therefore, the application is rejected. However, the appeal be listed for final hearing in the week commencing from 10.08.2022.

5. Application is disposed of.

[BHARAT P. DESHPANDE, J.]

[SARANG V. KOTWAL, J.]

Najeeb...