

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.6063 OF 2015
IN
CRIMINAL APPEAL NO.836 OF 2015

- 1] Vikrant @ Vikki s/o. Kashinath
Khandare, Age 28 years,
Occ. Nil,
- 2] Mahendra Ganeshrao Devre,
Age 28 years, Occ. Nil,
- 3] Latabai w/o. Kashinath Khandare,
Age 45 years, Occ. Labour,
- 4] Ramabai Ganeshrao Devre,
Age 55 years, Occ. Household,
- 5] Sangita @ Samina Basidkhan,
Age 28 years, Occ.
- 6] Baby Sitaram Devre,
Age 45 years, Occ. Household

All r/o. Siddharth Nagar,
Purna, Tq. Purna, Dist. Parbhani ..Applicants

Versus

The State of Maharashtra,
Through Police Station Officer,
Purna Police Station,
Tq. Purna, Dist. Parbhani ..Respondent

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Mr.S.K.Chavan, advocate for applicants

Mr.S.D.Ghayal, APP for respondent - State

CORAM : M.T. JOSHI, J.

DATE : DECEMBER 02, 2015

PER COURT :

Heard both sides.

2] Present applicants, who are convicted and sentenced by learned Addl. Sessions Judge, Parbhani in Sessions Case No.74 of 2012 for the offences punishable under Section 452, 354, 294, 504, 506, 323, 306, 143 read with 149 of Indian Penal Code, are praying for suspension of their substantive sentences.

3] The prosecution case would show that present applicants were indulging in illicit liquor business. On the day of the incident, the women applicants i.e. applicant nos.3 to 6 had a dispute with deceased Rizwana. She, therefore, went to a Corporator and complained against them. When she returned back, all the applicants went to her house. While applicant - Latabai brought Rizwana

on road catching her hairs, applicant - Sangita torn her blouse. Thereafter, all of them took out her saree on the road. Anyhow, Rizwana was rescued and thereafter, she ran in a house and latched the same from inside. After sometime, when she did not answer, it was found that she had committed suicide by hanging herself. In the circumstances, the complaint was filed with the police.

4] All the prosecution witnesses i.e. relatives of deceased Rizwana as well as PW 3 - Jubeda, who is not family member of the deceased, deposed on the similar lines.

5] Mr.Chavan, learned counsel for the applicants, submits that all the witnesses admitted that earlier to the present incident, there was no dispute between the applicants on one hand and the family of the deceased on the other, though they were neighbors. Further, the defence is that since

the deceased Rizwana was estranged by her husband and was mentally unstable, she might have committed suicide.

6] Learned A.P.P. for the respondent - State, however, pointed that only suggestions were given regarding mental instability of the deceased and learned Addl. Sessions Judge has held that on the road in a public view, saree of the deceased was taken away by present applicants, which, ultimately compelled her to commit suicide.

7] Without going into merits of the case and arguments from both the sides, considering the fact that present applicants no.3 to 6 are women, in my view, their substantive sentences can be suspended and they can be released on bail. Further, since applicants no.1 and 2 would be in jail, hearing of the appeal can be expedited.

8] In the circumstances, the following order :-

A] The application is hereby partly allowed.

B] During pendency of the appeal, the substantive sentences as regards present **applicants no.3 to 6 only** are hereby suspended. Upon deposit of the fine amount, if not earlier deposited, **present applicants no.3 to 6** be released on bail, upon their executing P.R. bond in the sum of Rs.10,000/- (Rs.Ten Thousand) each and also upon furnishing surety each, in the like amount.

C] The application as regards applicants no.1 and 2 is hereby rejected.

D] Hearing of the appeal is expedited.

E] The applicants/appellants would be at liberty to file private paper book within six weeks, upon which the appeal would be taken for final hearing.

F] In case the private paper book is not filed within the prescribed period, the office to take necessary steps, without reference to the court, for preparation of the paper book on urgent basis since appellants no.1 and 2 would be in jail.

G] Humdast granted.

H] Present application is disposed of accordingly.

[M.T. JOSHI, J.]

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