

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.47 OF 2016
IN
CRIMINAL APPEAL NO. 22 OF 2016**

1)	Shabina Munna Shaikh	)	
2)	Rehana Papu Shaikh	)	
3)	Malati Radhesham Bhagat	)	
4)	Lalmuni Amarjit Baretha	)	
5)	Anita Ganesh Dubha Waghela	)	
6)	Kalpna Dindayal Koyari	)	
7)	Damodar Eknath Mule	)	
8)	Sharda Vijaybhan Yadav	)	
9)	Sunita @ Panditain Sheljaprasad	)	
	Mishra	)..	Applicants

vs.

The State of Maharashtra & Anr.	...	Respondents
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**ALONG WITH
CRIMINAL APPLICATION NO. 27 OF 2016
IN
CRIMINAL APPEAL NO. 11 OF 2016**

1)	Jaya @ Mumtaj Abdul Kadir Shaikh	)	
2)	Kamrunissa Abdul Rahim Khan	)	
3)	Rabiya Babuwa Koyari	)..	Applicants

vs.

The State of Maharashtra	Respondent
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Mr. Imtiyaz Patel, Advocate for the applicants in APPA No.47 of 2016
Mr. Ajay Tripathi for the applicants in APPA No.27 of 2016
Ms. A.A.Mane, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 19th January, 2016.

P.C.

These are the applications seeking suspension of substantive sentence imposed upon the applicants by the Addl. Sessions Judge, City Civil & Sessions Court, Bombay, in SC/ST Special Case No.13 of 2010 vide judgment and order dated 18.12.2015. The applicants herein are convicted for the offences punishable under Sections 143, 147, 323 read with Section 149, 354 read with Section 149, 452 read with Section 149 and 509 of Indian penal Code and sentenced for the offence punishable under Section 143, shall suffer R.I. for one month, for the offence punishable under Section 147, shall suffer R.I. for three months, for the offence punishable under Section 323 r.w. 149 of IPC, shall suffer R.I. for three months, for the offence punishable under Section 354 r.w. 149 of IPC, shall suffer R.I. for two years and shall pay fine of Rs.500/- each, in default, shall suffer S.I. for fifteen days. For the offence punishable under Section 452 r.w. 149 of IPC, they shall suffer R.I. for two years and shall pay fine of Rs.500/- each, in default, shall suffer S.I. for fifteen days. For the offence punishable under Section 509 of IPC, they shall suffer R.I. for one month.

2. The learned counsel for the applicants submit that the applicants were on bail during the pendency of the trial and have not committed breach of any conditions imposed upon them. The sentence imposed upon the applicants is a short-term sentence and it is not likely that the appeals would be heard in the near future.

3. Taking into consideration the facts of the case and the submissions advanced across the Bar, this Court is of the opinion that the applicants deserve enlargement on bail during the pendency of the appeals. Hence, the following order :-

ORDER

- (i) The applications are allowed.
- (ii) The substantive sentence imposed upon the applicants is hereby suspended.
- (iii) The applicants are enlarged on bail. Same bail, fresh bonds.
- (iv) The applicants shall furnish bail bonds within four weeks from today before the Additional Sessions Judge, Bombay. Upon failure, the prosecution would be at liberty to take appropriate steps.
- (v) The applicants shall cause their appearance before the Addl.

Sessions Judge, Bombay once in six months during the pendency of the appeal on the date assigned by the said Court.

(vi) Upon failure to attend on any two consecutive dates, the prosecution will be at liberty to move for cancellation of bail.

Applications are allowed in the above terms and stand disposed of.

(SMT.SADHANA S.JADHAV, J.)