

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1000 OF 2016

IN

CRIMINAL APPEAL NO.546 OF 2016

SOU.VAISHALI ROHIDAS PAWAR

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Rajesh More, Advocate for the Applicant.

Mr.A.R.Patil, APP for the Respondent - State.

CORAM : P N. DESHMUKH, J.

DATE : 20th AUGUST 2016.

PC. :

1 Applicant being accused no.4, who is convicted by the learned Additional Sessions Judge, Baramati, for the offences punishable under Section 498A of IPC and is sentenced to suffer simple imprisonment for 3 years, for the offence punishable under Section 306 of IPC is sentenced to suffer simple imprisonment for 5 years and for the offence punishable under Section 304B of IPC is sentenced to suffer simple imprisonment for 7 years, has filed this application for suspension of sentence and for grant of bail.

2 Learned counsel for applicant had contended that there is no evidence to establish involvement of applicant, who happens to be sister-in-law of deceased and much prior to marriage of deceased with accused no.1, was residing with her in-laws at village Walhe, which is situated at a distance of about 40 kms. from the matrimonial house of deceased Shweta. It is further submitted that out of seven witnesses examined before the Sessions court, the relations of deceased had not implicated applicant as from their evidence, no ingredient of charge levelled against applicant can said to be established. It is further contended that infact, from the evidence of defence witness, it is established that much prior to incident, applicant was already working as a teacher, and as such, there was no reason for co-accused to demand money from deceased on this count. It is, therefore, submitted that application be allowed imposing suitable conditions upon applicant.

3 Learned APP had opposed for grant of bail submitting that according to evidence on record, such demand was not for providing for job to applicant, but the monetary demand was made to deceased as money was required to be paid for confirmation of her job in the year 2008.

4 Perused the documents annexed with the application. From the evidence of father of the deceased it has come on record that deceased was married in the year 2006 and was residing at the matrimonial house jointly with her husband, father-in-law and mother-in-law. Thus, from this evidence, it is seen that applicant was not residing along with the deceased or co-accused. From his further evidence, it appears that the alleged demand of money for construction of house was made to deceased by accused nos.1 to 3, who admittedly are husband, mother-in-law and father-in-law of the deceased.

From his further evidence, it has come on record that accused persons demanded money from the deceased for providing employment to applicant (accused no.4) and as demand was not fulfilled, deceased was subjected to ill-treatment. In the light of above evidence, father of deceased appears to have denied suggestion put to him that in the year 2005 itself applicant was already appointed as a teacher in school at Village Walhe. Said suggestion is duly denied. Father of deceased, however, has admitted that applicant was already married before the marriage of deceased with accused no.1. In view of admission, as aforesaid, it is established that after marriage of deceased, applicant was already staying in her matrimonial home.

5 Similar is the evidence of PW2 Vinod -brother of deceased. In the light of submissions advanced by learned APP, when evidence of DW1 Popat Pawar, Deputy Sarpanch is perused, it reveals that applicant was called for interview in the year December 2005 for the post of a teacher and on the date of his recording evidence in the year 2016 has stated that applicant was working as a teacher in primary school run by Zilla Parishad at Hanuman Wadi.

 Having considered evidence as aforesaid, it is found that since 2005 till date, applicant is already serving.

6 Having considered facts as aforesaid, application is liable to be allowed as per order below :

- i) Substantive sentence imposed upon applicant Vaishali Pawar stand suspended pending appeal.
- ii) Applicant shall be released on bail on her executing P.R.Bond in the sum of Rs.20,000/- with one or two sureties in like amount.

(P. N. DESHMUKH, J.)