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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1167 OF 2016
IN
CRIMINAL APPEAL NO.429 OF 2016

Sunita Akhilesh Kumar Yadav .... Applicant
V/s.
State of Maharashtra .... Respondent

Mr. Shirish Gupte, Senior Advocate a/w Mr. Abhishek Yende i/by Prem Keshwani, for the Applicant.
Mrs. S. D. Shinde, APP for the Respondent .

CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : 6th DECEMBER, 2016.

P.C. :

1. Heard Mr. Shirish Gupte, learned Senior Advocate appearing on behalf of applicant and Mrs. S.D. Shinde, appearing on behalf of State.

2. Application is filed for bail during the pendency of appeal.

3. Applicant is the original accused No.3. Applicant alongwith accused Nos. 1 & 2, has been convicted for offence punishable under Sections 302, 304B and 498A read with 34 of the Indian Penal Code and

sentenced to suffer life imprisonment.

4. The applicant was arrested on 17.4.2012 and she was in custody since then. However, during the pendency of appeal, she was granted bail by the Supreme Court and was released on bail on 2.5.2014. After conviction she was taken in custody and she is in jail from 11.5.2016.

5. We have perused the evidence of P.W.1, father P.W.2, mother, P.W.20 sister and P.W.6 friend of the deceased. Theeir evidence discloses that within one year from the date of marriage, deceased Madhu succumbed to unnatural death. The allegations of the prosecution are that deceased was subjected to mental and physical torture. The evidence of above witnesses, however, shows that there are no specific allegations as regards to present applicant, except that the applicant was not cooking food for deceased Madhu.

6. Taking into consideration the fact that applicant is a lady and was on bail during the pendency of trial as also the fact that the hearing of the appeal is not likely to take place in near future, we find that case for bail is made out.

7. We are, therefore, inclined to allow the application on the following terms and conditions:

Order

i) Pending hearing and final disposal of this appeal, the applicant be released on bail, on the same terms and conditions on which she was on bail during the trial, but on furnishing fresh bonds in the same amount.

ii) The applicant shall remain personally present at the time of hearing of this appeal.

Iii) The applicant shall not leave India without prior permission of this Court.

[DR. SHALINI PHANSALKAR JOSHI, J.] **[RANJIT MORE,J.]**