

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

**CRIMINAL APPLICATION (appa) No. 757 of 2015
(In Cri. Appeal No. 580/13)**

Smt. Sumitra w/o Namdeo Madavi

v.

State of Maharashtra

Office Notes, Office Memoranda of Coram
appearances, Court's orders or directions
and Registrar's orders.

Courts's or Judge's orders

**Coram : B.P .Dharmadhikari and
V.M.Deshpande, JJ.**

Date : 01st MARCH, 2016.

Heard Advocate D.R. Khandare, learned counsel for the applicant and Shri Ukey, learned APP, for the State on the application for suspension of sentence and for grant of bail.

2. The applicant is convicted by the learned Sessions Judge, Bhandara, on 06.9.2012 in Sessions Trial No. 38/11 and directed to suffer imprisonment for life for the offence punishable under Section 302 of Indian Penal Code.

3. Charge was framed against the present applicant

along with one co-accused Sanjay Vaidya, who has been acquitted by the trial Court. The applicant is in jail since 11.3.2011.

4. As per prosecution case, in the village there was a movement for prohibition of liquor from 23.1.2011. As per prosecution witness Manjirabai (P.W.1) she came to know from Dasaram Ganvir that the applicant and the co-accused, who has been acquitted by the trial Court, are selling liquor in the village. Therefore, they went to their house along with 15-20 villagers and the Sarpanch of the village, who is also the President of Tanta Mukti Morcha. That time, these persons accosted the accused persons. The role attributed to the present applicant is that she caught hold neck of deceased Minakshi and, therefore, she became unconscious. Ultimately, Minakshi died. The version of prosecution is consistent to that effect.

5. After considering the prosecution evidence and after hearing learned counsel for the applicant, prima facie this Court is of the view that ultimately the offence may be scaled down to a lesser offence. Since the applicant is languishing in jail since 11.3.2011, in our view, the applicant can be released on bail by imposing certain conditions.

6. Criminal application is allowed. Substantive sentence imposed upon the applicant by the trial Court on 06.9.2012 in Sessions TrialNo. 38/11 stands suspended during the pendency of present appeal. Applicant be released on bail on she executing P.R.Bond of Rs.10,000/- with

two solvent sureties in like amount. The applicant shall, during the pendency of present appeal, attend the Court of Sessions Judge, Bhandara, on third Tuesday of every month. The applicant shall not try to intimidate any of the prosecution witnesses. The applicant shall remain present before this Court at the time of final hearing of the appeal.

JUDGE

JUDGE

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