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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.364 OF 2017

IN

CRIMINAL REVISION APPLICATION NO.392 OF 2017

Dr. Pallavi Ambure

..Applicant.

V/s.

State of Maharashtra & Anr.

..Respondents.

Mr.Fauzan i/b. Mr.M.V.Thorat for the Applicant.

Ms.J.S.Lohakari, APP for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATED : SEPTEMBER 14, 2017

P.C.:-

Heard the learned counsel for the parties.

2. By this application, the Applicant seeks suspension of her sentence and enlargement on bail, pending hearing and final disposal of the aforesaid Revision Application.

3. The Applicant has been convicted by the learned

J.M.F.C., Vashi, District Thane, vide Judgment and Order dated 13 January, 2015 passed in Regular Criminal Case No.1015/2013, for the offence punishable under section 23 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 2003 and had been sentenced to suffer simple imprisonment for six months and to pay a fine of Rs.5,000/-, in default to suffer simple imprisonment for a month. The Applicant has been acquitted of the offence punishable under section 25 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 2003.

4. Being aggrieved by the said Judgment and Order of conviction and sentence, the Applicant filed an appeal in the Sessions Court, Thane, being Criminal Appeal No.23/2015. The learned Sessions Judge by Judgment and Order dated 13 June, 2017 was pleased to dismiss the appeal.

5. Learned counsel for the Applicant states that the Applicant has a good case on merits and has every chance of

succeeding in the Revision Application. He submits that the Applicant was on bail pending the trial and pending appeal and that she has not misused or abused the liberty. The Revision Application has been admitted by a separate order today.

6. Considering the aforesaid, the application is allowed. The sentence of the Applicant is suspended and she is enlarged on bail on the following terms and conditions:-

- (i) The applicant is enlarged on bail on her executing P.R. bond in the sum of Rs.15,000/- with one surety in the like amount;
- (ii) The application is disposed of accordingly.

(REVATI MOHITE DERE, J.)