

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.1068 OF 2017  
IN  
CRIMINAL APPEAL NO.637 OF 2017**

Smt. Surekha alias Billo Arun Wadiya .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.R.A.More, Advocate, for the Applicant  
Mr.P.Jadhav, APP, for the Respondent – State

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 03.08.2017**

**P.C.**

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks suspension of his sentence & enlargement on bail, pending the hearing and final disposal of the aforesaid Appeal.

3. The Applicant vide Judgment and Order dated 15.07.2017, passed by the learned Additional Sessions Judge, Pune, in S.C.No.250 of 2014, has been convicted and sentenced as under :-

- For the offence punishable under Section 306 r/w 34 of the Indian Penal Code to suffer R.I. for five years and to pay fine of Rs.5000, in default to suffer R.I. for further period of six months.

The Applicant has been acquitted of the offences punishable under Sections 304B & 498A r/w 34 of the Indian Penal Code.

4. Learned counsel for the Applicant submits that there was no material or evidence on record, to convict the Applicant for the offence punishable under Section 306 r/w 34 of the Indian Penal Code. He relied on the suicide note written by deceased – Jyoti, in support of his submission. He submitted that the Applicant was on bail pending trial and has not abused or misused the conditions of bail.

5. Learned APP opposes the Application.

6. Perused the papers, in particular, the suicide note written by deceased – Jyoti. Admittedly, the Applicant is the sister of the mother-in-law of deceased – Jyoti. A perusal of the suicide note shows, that Jyoti had made allegations against her mother-in-law and grand mother-in-law. There is no reference to the name of the Applicant in the said

suicide note. The cross-examination of PW.1 & PW.2 also shows that in the suicide note, deceased – Jyoti had not disclosed the name of the Applicant and Chaitesh.

7. The Appeal has been admitted by a separate order dated 03.08.2017. The sentence imposed is a short term sentence. Considering the evidence against the Applicant and the fact, that the Applicant was on bail pending trial and has not abused or misused the conditions of bail, the Application is allowed and the Applicant's sentence is suspended and she is enlarged on bail, pending the hearing and final disposal of his Appeal, on the following terms & conditions:-

**O R D E R**

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.15,000/-** with one or two sureties in the like amount.

8. Accordingly, the Application is disposed of on the aforesaid terms.

Parties to act on the authenticated copy of this order.

**(REVATI MOHITE DERE, J.)**