

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1221 OF 2017

IN

CRIMINAL APPEAL NO.726 OF 2017

NEELAM JAGANNATH HUJARE

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Ms.Heena S. and Ms.Megha Bajoria i/b. Mr.K.S.Patil, Advocate for the Applicant.

Ms.PN.Dabholkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 6th SEPTEMBER 2017

P.C. :

1 This is an application for suspension of sentence and releasing the applicant / accused on bail during pendency of the appeal filed by her.

2 Heard the learned advocate appearing for the applicant / accused. She argued that after acquittal of the

applicant / accused by the learned Judicial Magistrate First Class (JMFC), the learned Appellate court erred in convicting her by taking another view, though the view taken by the learned JMFC was equally possible view. She argued that the applicant / accused was on bail throughout.

3 The learned APP opposed the application.

4 I have carefully considered rival submissions and also perused the material made available on record. Case of the prosecution is based on circumstantial evidence. The learned trial court was pleased to acquit the applicant / accused for offences punishable under Sections 457 and 380 of the IPC. The learned Appellate court took contrary view and convicted the applicant / accused.

5 Short sentence of 1 year is imposed on the applicant / accused and appeal filed by the applicant / accused may not be heard in near future, considering the pendency of the appeals

before this court. In this view of the matter, the following order :

- i) The application is allowed.
- ii) Substantive sentence imposed upon the applicant / accused is suspended and he is directed to be released on bail on his executing P.R.Bond in the sum of Rs.15,000/- and on furnishing surety in like amount.

(A. M. BADAR, J.)