

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 807 OF 2016

Sau Anjali Sunil Waghmode and anr.	..Appellants
Versus	
The State of Maharashtra	..Respondent

Mr. Sandeep S. Salunkhe, advocate for the appellants.
Mrs. M. M. Deshmukh, APP for the State.

**CORAM : RANJIT MORE &
A. M. BADAR, JJ.**

DATE : 17th MARCH, 2017.

P. C. :

Heard.

2. Admit.

[A. M. BADAR, J.]

[RANJIT MORE, J.]

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1548 OF 2016
IN
CRIMINAL APPEAL NO. 807 OF 2016

1. Sau Anjali Sunil Waghmode	..Applicants/
2. Gorakh Pandurang Lavate	Appellants
Versus	
The State of Maharashtra	..Respondent

Mr. Sandeep S. Salunkhe, advocate for the applicants/appellants.
Mrs. M. M. Deshmukh, APP for the State.

**CORAM : RANJIT MORE &
A. M. BADAR, JJ.**

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P. C. :

The applicants are convicted for the offences punishable under Sections 302 and 201 of the Indian Penal Code, 1860, and sentenced to suffer life imprisonment. The present application is filed by them seeking bail during the pendency of the appeal.

2. We have heard learned counsel for the applicants and learned APP for the State and we have also gone through the impugned judgment and deposition. Prima facie, in our opinion, there is a doubt regarding homicide death of the child. The applicant No.1 is a lady. She

was on bail during the pendency of the trial. In the light of provisions of Section 437 of the Code of Criminal Procedure, 1973, we are inclined to release her on bail. So far as applicant No.2 is concerned, he is the father of applicant No.1. He is convicted only on the basis of Section 34 of the Indian Penal Code, 1860. Applicant No.2 was also on bail during the pendency of the trial. The entire case is based on circumstantial evidence. The appeal is not likely to reach for final hearing in the near future. We are, therefore, inclined to release him on bail. We dispose of the bail application by passing the following order :

- 1) The applicants are directed to be released on bail on executing PR Bond of Rs.15,000/- and, on furnishing, security in the like amount by each of them.
- 2) The applicant shall, however, remain present at the time of final hearing of the appeal.

[A. M. BADAR, J.]

[RANJIT MORE, J.]