

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

**CRIMINAL APPLICATION NO.272 OF 2018
IN
CRIMINAL APPEAL NO.177 OF 2018**

Jina Balkrishna Agarwal Applicant

versus

The State of Maharashtra ... Respondent

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- Mr.Aniket Vagal, Advocate for the Applicant.
- Mr.Ajay Patil, APP for the State/Respondent.

**CORAM : B. R. GAVAI &
SARANG V. KOTWAL, JJ.
DATE : 05th JUNE, 2018.**

P.C. :

1. This is an Application for suspension of sentence and grant of bail during the pendency of Appeal.

2. The Appellant vide Judgment and Order dated 09/02/2018 in Sessions Case No.224/06 has been convicted by the learned Sessions Judge, Thane, for the offences punishable under Section 302 and 309 of the Indian Penal Code. She has

been sentenced to suffer imprisonment for life for the offence punishable u/s 302 of IPC and simple imprisonment for one month for the offence punishable u/s 309 of IPC.

3. In an unfortunate incident has taken place, the Appellant is alleged to have administered sleeping pills in the cold drink to her two daughters and she has herself also consumed the same. In the said incident, though the Appellant survived, her two daughters had succumbed to death.

4. The Appellant was on bail during the trial. From the material placed on record it reveals that the Appellant had married to one Balkrishna who was of another religion. However after two daughters were born to the couple, unfortunately her husband died at an early age. The record further reveals that the Appellant was undergoing depression on account of untimely death of her husband.

5. In the peculiar facts and circumstances of the case, the

Application deserves to be allowed. The Application is therefore allowed. The sentence as imposed by the learned Trial Judge vide Judgment and Order dated 09/02/2018 is suspended. The Applicant is directed to be released on bail on the same terms and conditions as were applicable during the trial.

(SARANG V. KOTWAL, J.)

(B. R. GAVAI, J.)