

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

**CRIMINAL APPLICATION NO.943 OF 2017
IN
CRIMINAL APPEAL NO.721 OF 2017**

Smt. Taraparvin Sadik Shaikh

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Sanjeev P. Kadam Advocate for the Applicant.

Ms. M. H. Mhatre, APP for Respondent - State.

**CORAM : B. R. GAVAI &
SARANG V. KOTWAL, JJ.
DATE : 18th JUNE, 2018**

PC.

1] This is an application for grant of bail and suspension of sentence.

2] The Applicant who is the original Accused No.2 has been convicted for the offence punishable under Section 302 of Indian Penal Code ("IPC" for short) for committing murder of her husband. The motive alleged is that the present Applicant was having illicit relationship with Accused No.1.

3] Ms. M. H. Mhatre, learned APP vehemently opposes the application.

4] Perusal of the impugned judgment would reveal that the case rests entirely on circumstantial evidence. The circumstantial evidence

that has been found to be proved by the learned Trial Judge against the present Applicant is the confession given to the police officer.

5] In a case resting on circumstantial evidence, the prosecution is required to prove each and every incriminating circumstance beyond reasonable doubt and also to establish a chain of events, so interlinked to each other that leads to no other conclusion than the guilt of the accused.

6] Prima-facie we are of the view that only on the basis of confession given to the police officer, the order of conviction would not be tenable.

7] In that view of the matter, the application is allowed.

8] The judgment and order of sentence is suspended.

9] The Applicant is directed to be released on bail on furnishing bail bonds in the sum of Rs.15,000/- with one or more sureties in the like amount.

10] The Applicant shall report to the concerned Police Station once in every month.

[SARANG V. KOTWAL, J.]

[B. R. GAVAI, J.]