

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.980 OF 2018

IN

CRIMINAL APPEAL NO.1026 OF 2017

Sou. Sugalabai D. Padwale & Anr.] ... Applicants /
Orig.Accd.Nos.2 & 3

Versus

The State of Maharashtra.] ... Respondent

Mr. Ritesh Thobde for Applicants.
Mrs. M. M. Deshmukh, APP for State.

CORAM :- B. R. GAVAI &
SARANG V. KOTWAL, JJ.
DATE :- 09 JULY, 2018

P. C. :-

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

2. The Applicants are the father-in-law and mother-in-law of the deceased. The Applicants were charged, along with the husband of the deceased, another son of the Applicants and mother of the accused no.2.

3. It is the prosecution case that all the Applicants have set the deceased on fire in the morning of 05/06/2014. The accused no.3 is working in JNPT. It is further the case of the prosecution that, the accused nos.1 and 2 had made an application for anticipatory bail. In the said application, a direction was issued by the Court to make investigation with regard to the claim of the accused no.3 that he was on duty till 12.30 afternoon on 05/06/2014. In the cross-examination of the Investigating Officer, he was specifically put up this question and he has admitted that he has collected the murder roll of JNPT and found that the accused no.3 was on duty till 12.30 afternoon on 05/06/2014. He has further admitted that minimum travelling distance from JNPT to Solapur is around 8 hours by railway.

4. Taking into consideration these aspects of the matter, the present Applicants were granted anticipatory bail. It is not the case of the prosecution that the Applicants have misused the liberty.

5. In that view of the matter, we are inclined to allow the Application. Hence, the following order :

ORDER

- (i) The Application is allowed.
- (ii) The order or sentence and conviction insofar as the present Applicants are concerned, is suspended.
- (iii) The Applicants are directed to be released on bail on the same terms and conditions as were applicable during trial.

(SARANG V. KOTWAL, J.)

(B. R. GAVAI, J.)