

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

**CRIMINAL APPLICATION NO. 390 OF 2018
WITH
CRIMINAL APPLICATION NO. 391 OF 2018
IN
CRIMINAL REVISION APPLICATION NO. 409 OF 2018**

Sunanda @ Manisha
@ Rachana Sunil Yadav

... Applicant

Vs.

The State of Maharashtra

... Respondent

...

Mr. Shyamrishi Pathak for the applicant.

Mr. A.R. Patil, APP for the Respondent-State.

Mr. E.T.Kadam, ASI, DCB CID, Unit-II in person.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 13th AUGUST, 2018.

P.C.

1. These applications are seeking suspension of sentence and grant of bail. The applicant has surrendered before the trial Court and she has been taken into custody today. The statement is confirmed by the concerned officer who is present in the Court.
2. Applicant is convicted for an offence punishable under Sections 381 of Indian Penal Code and she is sentenced to suffer simple imprisonment for two years. The appeal preferred by the

applicant was dismissed.

3. It is submitted that during the trial applicant was in custody for a period of about 16 days. It is submitted that the applicant is lady and she is having minor children. Learned APP submitted that after the incident which is subject matter of the present case, offence has been registered against the applicant vide CR No.42/2013 under Section 381 of Indian Penal Code. It is also submitted that prior to her arrest in the present case one offence was registered against the applicant vide CR No. 378 of 2008 under Section 454, 457, 380 of Indian Penal Code which was registered at D.N.Nagar Police Station. Learned APP on instructions submitted that said case is pending in the Court.

4. Learned counsel for the applicant submits that after 2013, no case is registered against her. Sympathetic view may be taken in considering that the applicant is a lady and having minor children. Opportunity be given to her to reform herself.

5. Apparently, from the submissions referred hereinabove, the applicant is involved in two other cases, she is on bail in the said cases. The ornaments in the present case were recovered and they were returned back to the original complainant. Considering the fact that the applicant is lady and having minor children, I am

inclined to take sympathetic view and grant bail by suspending the sentence. Hence, I pass the following order.

ORDER

(i) Criminal Application No. 390 of 2018 and Criminal Application No.391 of 2018 are allowed.

(ii) Pending hearing and final disposal of Criminal Revision Application No.409 of 2018, the sentence of imprisonment awarded by the Additional Chief Metropolitan Magistrate, 37th Court, Esplanade, Mumbai in Criminal Case No. 82/PW/2010 vide Judgment and Order dated 27th January, 2017, which was confirmed by the Sessions Court vide judgment and order dated 2nd July, 2018, passed in Criminal Appeal No.143 of 2017, is suspended and the applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.15,000/-, with one or more sureties in the like amount;

(iii) Applicant is directed to report DCB CID Unit-II once in a month on first Saturday from 10 am to 12 noon till the final disposal of the Criminal Revision Application No. 409 of 2018;

(iv) Prosecution will be at liberty to prefer application for cancellation of bail granted by this Order, in the event the applicant is found to have committed any other offence during the

pendency of this revision application.

(v) Parties to act upon the authenticated copy of this order.

Sachidanand
Kuttan Nair

Digitally signed
by Sachidanand
Kuttan Nair
Date:
2018.08.14
10:55:54 +0530

(PRAKASH D. NAIK, J.)