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IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION (APPA) NO. 117/2018
IN
CRIMINAL APPEAL NO. 423/2016

(Mayawati w/o Rupchand Lade and another vs. State of Maharashtra and others)

Office Notes, Office Memoranda of
 Coram, appearances, Court's orders
 of directions and Registrar's orders

Court's or Judge's order

Mr. K.S. Motwani, Advocate for the applicant/appellants
 Mr. I.J. Damle, Additional Public Prosecutor for respondent-State

CORAM : **SMT. VASANTI A. NAIK &**
MRS. SWAPNA JOSHI, JJ.

DATED : 14th March, 2018.

Heard.

By this Criminal Application, the applicants have sought their release on bail by suspending the sentence inflicted by the learned Additional Sessions Judge, Bhandara in Sessions Trial No. 39/2014.

The learned counsel for the applicants states that though a similar application filed by the applicants for their release on bail was rejected, due to subsequent development this application needs to be favourably considered. It is stated that after the application made by the applicants was rejected by an order dated 29.1.2018, this Court has allowed a similar application filed by Smt. Malta w/o Ramratan Lade. It is stated that the applicants were the accused nos. 3 and 4 and Smt. Malta is the accused no.2. It is stated that appellant-Malta had assaulted

the deceased by means of a wooden stick and the present applicants had assaulted the deceased with fist blows. It is stated that considering the fact that the applicants are women, they need to be released on bail during the pendency of this appeal on parity, as Smt. Malta is released on bail by the order dated 29.1.2018.

Due to change in circumstances, it would be necessary to allow the Application filed by the applicants, on parity. Appellant-Malta had allegedly assaulted the deceased on the head with a wooden stick and the applicants had assaulted the deceased with fist blows. Since this Court has suspended the sentence inflicted on Smt. Malta by considering the circumstances of the case and the fact that she is a woman, by taking a similar approach in the case of the applicants, it would be necessary to release the applicants on bail on similar terms and conditions.

Hence, we allow the Application and suspend the sentence inflicted by the learned Additional Sessions Judge, Bhandara on the applicants and direct the respondent-State to release the applicants on bail on such terms and conditions that were imposed by the trial court while releasing the applicants on bail during the pendency of the trial.

The Criminal application stands disposed of accordingly.

JUDGE

JUDGE