

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 824 OF 2019
IN
CRIMINAL APPEAL NO. 761 OF 2019

Yashoda Ramesh Pawar .. Applicant

Versus

The State of Maharashtra .. Respondent

...

Mr. Nilesh Tank alongwith Mr. Pranot Pawar (appointed) for the Applicant.

Mrs. M. R. Tidke, APP for the Respondent/State.

CORAM: P. N. DESHMUKH, J.

DATED : 7th NOVEMBER, 2019.

P.C:-

Heard Learned Counsel for the applicant and Learned
APP.

2. This application is for suspension of sentence and for bail by accused who came to be convicted for the offence punishable under Section 304(ii) of Indian Penal Code and is sentenced to suffer Rigorous Imprisonment for three years and to

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pay fine of Rs. 1,000/-, in default to suffer simple imprisonment for three months.

3. Learned Counsel for applicant had contended that there is no evidence establishing applicants involvement in the present case and even otherwise, since is imposed with lesser sentence, same is came to be suspended, pending appeal. It is also contended that applicant was on bail pending trial and on his conviction, sentence was suspended by the Trial Court. Copy of order is taken on record, marked X-for Identification.

4. Learned APP opposed the application on the ground that there is direct evidence against accused.

5. It appears to be the case of prosecution that applicant was residing with her husband and children, however as her husband was suspecting her character, there used to be quarrel amongst them and as such, on 29th September, 2016 when they indulged in assaulting each other, she is alleged to have kicked her husband in his abdomen, he fell down, resulting into his death. Prima facie, it is found that no intention can be attributed to

applicant to cause death of deceased. Accordingly, applicant is found convicted as aforesaid though was chargesheeted for the offence under Section 302 of Indian Penal Code. In view of above facts and since applicant is convicted for a lesser offence and was on bail, pending trial, application is allowed as per order below :

ORDER

(a) Applicant shall be released on bail on her executing P.R .bond in the sum of Rs. 20,000/- (Rupees Twenty Thousand Only) with one surety in the like amount.

(b) While on bail, applicant shall attend Pen Police Station, District Raigad, quarterly on the first day of each such month, pending appeal.

(P. N. DESHMUKH, J.)