

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 1001 OF 2016****IN****CRIMINAL APPEAL NO. 547 OF 2016**

Tai Sanju Jadhav

.....Applicant

Vs.

The State of Maharashtra

....Respondent.

Mr. Vaibhav R. Gaikwad for the Applicant.

Mr. J.P. Yagnik, APP for the Respondent-State.

CORAM : A. S. OKA, AND**A. S. GADKARI, JJ.****DATE : 17th JANUARY, 2019.****P.C.:-**

Heard the learned counsel appearing for the Applicant and the learned APP for the Respondent-State.

2 The Applicant has been convicted for the offence punishable under Section 302 of the Indian Penal Code. The deceased is the husband of the Applicant. The evidence on record shows that the Applicant has two minor children. The age of her daughter is 15 years and the age of her son is 14 years as of today.

3 The Applicant woman is in custody from 29th November, 2014.

4 Admittedly, there is no direct evidence against the Applicant. The case is based on circumstantial evidence. She was found sitting next to the dead body of her husband by P.W. No. 12-Sahebrao. The explanation for blood-stains on the clothes of her person is that the deceased was her husband and when she found deceased in seriously injured condition, she must have touched the body of the deceased husband. There are no antecedents of the Applicant.

5 The Applicant being a woman and considering the facts of the case, in the light of Section 437 of the Code of Criminal Procedure, 1973, a case is made out for enlarging the Applicant on bail. Accordingly we pass the following order-

- a) The substantive sentence imposed upon the Applicant under the impugned Judgment and Order dated 15th June, 2016 passed by the learned Additional Sessions Judge, Pune in Sessions Case No. 199 of 2015, shall stands suspended till the final disposal of the Appeal;
- b) The Applicant shall be enlarged on bail in the sum Rs.15,000/- with one or two sureties to make the

amount;

- c) The Applicant shall be enlarged on bail, subject to condition of furnishing the address of a place of residence where she proposes to stay along with her contact telephone/cell phone number to the concerned Jail Superintendent;
- d) The Applicant shall report to the concerned Trial Court on first Monday of the months of January and July of every calendar year at 11.00 a.m. till the final disposal of the Appeal;
- e) If the Applicant fails to report as directed above, the concerned Trial Court shall submit a report to the Registrar (Judicial-I) of this Court who shall place the same before the appropriate Bench;
- f) Application is disposed of in the aforesaid terms.

(A.S. GADKARI, J.)

(A.S. OKA, J.)