

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1269 OF 2019
IN
CRIMINAL APPEAL NO. 1458 OF 2018

Rabiya Kalil Shaikh	... Applicant/Appellant
V/s	
The State of Maharashtra	... Respondent

Mr. Sachin Chandan for the Applicant.
A. S. Patil, APP for the Respondent-State.

CORAM : DAMA SESHADRI NAIDU, J.
DATED : 31th July, 2019

P.C.:

The applicant has been charged under section 363 and 370(1) of Indian Penal Code. The Addl. Sessions Judge, Court of Session for Greater Bombay, through its judgment in Session Case No. 488 of the 2016, convicted the applicant and sentenced her, among other things to 7 years' rigorous imprisonment.

2. The applicant is said to be the victim's step-mother, and the family disputes seem to have led to the crime.

3. Heard the learned Counsel for the applicant and the learned Additional Public Prosecutor, besides perusing the record.

4. Pending the trial, the applicant was arrested on 11th March, 2016; she remained in judicial custody for the entire trial period. The judgment was pronounced on 20th April, 2017, so the applicant has continued to serve the sentence to this date.

5. I reckon the applicant has served more than three years out of 7 years sentence imposed on her. The substantial part of the sentence has been served. Besides that, the applicant's counsel submits the applicant is lady suffering from a host of ailments. As this Court is unlikely to take up the appeal immediately, it is a fit case for the Court to suspend the sentence and enlarge the applicant on bail. I do so subject to the following conditions:

ORDER

- (i) The application is allowed.
- (ii) Substantive sentence imposed on the applicant is suspended, and she is directed to be released on bail on her executing P.R. Bond for Rs.20,000/- and on her furnishing two sureties for the like sum.
- (iii) The applicant should not contact the first informant or victim, or any witness in any manner, pending this appeal.
- (iv) The applicant's failure to abide by these conditions will entail the prosecution to apply for cancellation of bail now granted to the applicant.

(DAMA SESHADRI NAIDU, J.)