

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

**CRIMINAL APPLICATION NO. 428 OF 2019
IN
CRIMINAL APPEAL NO. 542 OF 2019**

Janaki Navnath Dhindale
Age : 40 Years; Occupation : Housewife;
Residing at : Dutt Wadi, Opp. Mumbra Railway
Station, Dist. Thane.
(At present is in Amravati Jail) ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Shushankar Ghosh i/b Mr. Hitesh D. Magar, Advocate for the
Applicant.
Ms. A. A. Takalkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 27th NOVEMBER, 2020.

PER COURT:

1. This is an application for suspension of sentence and grant of bail during the pendency of Criminal Appeal No. 542 of 2019 pending before this Court. The appeal has been admitted. The applicant was convicted vide Judgment and order dated 17th November, 2018 passed by learned Addl. Sessions Judge, Kalyan in Special Case No.91 of 2015 for the offences punishable under Section 354 r/w Sections 109, 366A, of IPC and Section 3(3)

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punishable under Section 3(2) of Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman Evil and Aghori Practices and Black Magic Act, 2013. She was sentenced to undergo imprisonment for Five years and Seven years respectively.

2. The prosecution case is that, the accused had acted in connivance had subjected the victim to the acts of outraging her modesty. The accused No.1 was allegedly the God Man who had outraged the modesty of the victim aged about 16 years. The applicant had aided and abetted commission of crime.

3. Learned counsel for the applicant submitted that the applicant was on bail during the trial and she has not misused the liberty of bail. There are no criminal antecedents against her. The prime role is attributed to accused No.1. The only overt act attributed to the applicant is that she had told the victim to obey the orders of accused No.1 and that she would be beneficiary of the alleged act. The accused Nos.1 and 5 were granted bail by this Court.

4. Learned APP submitted that the victim was minor. She was subjected to the act of outraging modesty. All the accused had acted in connivance with each other. Specific overt act has been attributed to the applicant by the victim girl.

5. The applicant is in custody from 17th November, 2018. She was on bail during the trial. The accused No.1 who has been attributed the main role was granted bail by this Court by suspending the sentence of imprisonment vide order dated 31st July, 2019 passed in Criminal Application No. 569 of 2019. The co-accused Hamida Ansari was arraigned as accused No.5 was also granted bail by this Court vide order dated 27th February, 2019 passed in Criminal Application No. 28 of 2019. While granting bail, it was observed that the evidence of witnesses suffers from omission. Thus, accused No.1 and accused No.5 are on bail. The applicant is in custody for a period of about two years. Hence, the sentence of imprisonment awarded to the applicant can be suspended during the pendency of appeal.

ORDER

- i) Criminal Application No. 428 of 2019 is allowed.
- ii) Substantive sentences of imprisonment imposed vide Judgment and order dated 17th November, 2018 passed by learned Addl. Sessions Judge, Kalyan in Atro Special Case No.91 of 2015 is suspended and the applicant is directed to be released on bail on furnishing PR. Bond in the sum of Rs. 20,000/- with one or more sureties in the like amount.

iii) The applicant shall not contact the first informant/
victim or any witnesses in any manner pending this appeal.

iv) The applicant shall not indulge in repetition of
similar offence in future.

v) The applicant failure to abide by this conditions
would entail the prosecution to apply for cancellation of
bail granted to the applicant.

vi) Application stands disposed of accordingly.

6. This order will be digitally signed by the Private
Secretary/Personal Assistant of this Court. All concerned will act on
production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)