

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

**INTERIM APPLICATION NO. 970 OF 2020
IN
CRIMINAL APPEAL NO. 312 OF 2020**

Surekha Shivilal Gaikwad

.. Appellant

Vs.

The State Of Maharashtra

.. Respondent

...

Mr.Akram Kapoor for Appellant.

Mr. S.R.Agarkar, A.P.P. for the State-Respondent.

...

**CORAM : PRAKASH D. NAIK, J.
DATE : 14th SEPTEMBER, 2021**

PC.

1. This is an application for suspension of sentence and grant of bail pending Criminal Appeal No. 312 of 2020.
2. The appellant is convicted for offence under Section 195(A) of Indian Penal Code and sentenced to suffer imprisonment for 3 years vide judgement and order dated 22.01.2020 passed by learned Additional Sessions Judge, Thane in Sessions Case No.107 of 2018. The applicant is acquitted for the offence under Section 115, 116 and 305 of IPC.
3. The applicant has preferred appeal challenging the judgement of conviction. The appeal has been admitted by this Court vide order dated 26.08.2021.

4. On the date of conviction, the trial Court has suspended the sentence vide order dated 22.01.2020 to enable the applicant to prefer appeal challenging the judgment of conviction.

5. Learned counsel for the applicant submitted that the applicant is educated lady. During the pendency of trial, she was granted anticipatory bail. She was never subjected to custody. Even after the conviction, the sentence is suspended for temporary period. The applicant has no connection with the proceeding in which the applicant is allegedly involved in threatening the witness. She had a good case on merit.

6. Learned APP submitted that the applicant has been convicted for the offence under Section 195(A) of IPC. The trial Court has appreciated the evidence and awarded conviction.

7. The sentence imposed by the trial Court is of short term. During the pendency of the trial, the applicant was on bail. She had preferred an application under Section 389 of Cr.P.C. which was allowed and the conviction and sentence is suspended, to enable the applicant to prefer an appeal before the appropriate Court. The appeal may not come for hearing within short span of time. The applicant has not misused the liberty granted to her during the pendency of trial. Hence, case for suspension of sentence of imprisonment is made out.

ORDER

- (i) Sentence of imprisonment awarded vide judgment order dated 22.01.2020 passed by learned Additional Sessions Judge, Thane in Sessions Case No.107 of 2018 is suspended during the pendency of Criminal Appeal No.312 of 2020 preferred by the appellant before this Court and the applicant be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (ii) The applicant is permitted to furnish provisional cash bail in the sum of Rs.25,000/- for a period of 8 weeks in lieu of sureties.
- (iii) Interim application stands disposed of.

(PRAKASH D. NAIK, J.)