

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

***INTERIM APPLICATION NO. 1311 OF 2021
IN
CRIMINAL APPEAL (STAMP) NO. 7437 OF 2021***

Parveen @ Soni Jahangir Shaikh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Aniket Vagal for the Applicant

Mr. S. V. Gavand, A.P.P for the Respondent–State

CORAM : REVATI MOHITE DERE, J.
(THROUGH VIDEO-CONFERENCING)
MONDAY, 26th APRIL 2021

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks suspension of her sentence and enlargement on bail, pending the hearing and final disposal of the appeal.

3 The applicant, along with other co-accused, vide judgment and order dated 26th October 2016, passed by learned Additional Sessions

Judge, Greater Bombay, in Sessions Case No.390 of 2009, has been convicted and sentenced as under:-

- for the offence punishable under Section 372 r/w 34 of the Indian Penal Code, to suffer rigorous imprisonment for 7 years and to pay fine of Rs.25,000/- each, in default, to undergo further rigorous imprisonment for 5 months;
- for the offence punishable under Section 5 of the Immoral Traffic (Prevention) Act, to suffer rigorous imprisonment for 7 years and to pay fine of Rs.2,000/- each, in default, to undergo further rigorous imprisonment for 5 months.

The applicant is acquitted for the offence punishable under Section 4 of the Immoral Traffic (Prevention) Act.

4 Learned counsel for the applicant submits that as the applicant's financial condition was not stable, she did not file the appeal in time and that the aforesaid appeal is filed after almost more than 4 years. Learned counsel submits that identically placed co-accused who had preferred an appeal against their conviction, were acquitted by this Court vide judgment dated 11th November 2020. Learned counsel submits that the role of the applicant is similar to that of the co-accused, who were

acquitted and so is the nature of evidence against the applicant. He further submits that the applicant has already undergone more than 6 years in prison.

5 Considering the aforesaid, the application is allowed and the applicant's sentence is suspended and she is enlarged on bail, pending the hearing and final disposal of her appeal, on the following terms and conditions :

ORDER

- (i) The applicant be released on cash bail in the sum of Rs. 10,000/-, for a period of eight weeks;

- (ii) The applicant shall within the said period of eight weeks, furnish P.R. Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;

- (iii) The applicant shall report to the trial Court, once in six months on the day/date specified by the trial Court, till her appeal is finally disposed of;

(iv) The applicant shall keep the trial Court informed of her current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

(v) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of applicant's bail.

6 The application is accordingly disposed of.

7 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.