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

INTERIM APPLICATION NO. 2340 OF 2021

IN

CRIMINAL APPEAL NO. 792 OF 2021

Shobha Vitthal Bhangare

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Aniket Nikam for applicant.

Mr. V.B. Konde-Deshmukh, APP for State.

...

**CORAM : S. S. SHINDE &
S. P. TAVADE, JJ.**

DATE : 8th DECEMBER, 2021.

P.C.:

1. Heard the learned counsel appearing for the applicant and learned APP appearing for State.

2. We have perused the grounds in the application so also the findings recorded by the Trial Court in the impugned judgment and order dated 01.09.2021 passed by Sessions Judge, Nashik. It appears that the Trial Court has convicted the present applicant with the other accused for the offence punishable under Section 302 read with Section 149 of IPC. Admittedly, the applicant was on

bail, pending the trial and it is informed that the present applicant did not misuse the bail granted to her. At the highest, the role attributed to the applicant is that, she assaulted the deceased by tiles. The cause of death as reported in the medical report is 'haemorrhagic shock due to stab injury to chest'. It prima facie appears that the said injury has not been caused by the present applicant.

3. The appeal filed by the present applicant pertains to year 2021 and presently this Court is taking old appeals for hearing. Therefore, there is no likelihood of final hearing of the appeal in near future. In that view of the matter, the case is established to allow this application and suspend the sentence of present applicant. Hence, the following order-

ORDER

1. The application is allowed.
2. The substantial sentence of imprisonment imposed on the present applicant by the Trial Court in Sessions Case No. 218 of 2017, is hereby suspended during the pendency of appeal.

3. The applicant i.e. Shobha Vitthal Bhangare is hereby released on bail on furnishing solvent surety of Rs. 25,000/- and on execution of PR bond in the like amount.
4. The applicant shall attend the concerned police station in the near vicinity once in a three months, preferably on Monday in between 11.00 am to 1.00 pm.
5. The applicant shall not leave India without prior permission of the Court.
6. The application stands disposed of.

(S. P. TAVADE, J.)

(S. S. SHINDE, J.)