

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1762 OF 2022  
IN  
CRIMINAL APPEAL NO.406 OF 2022

REKHA DIGAMBAR JADHAV  
VERSUS  
THE STATE OF MAHARASHTRA

...  
Mr.Satej S. Jadhav, advocate for the applicant  
Mr.N.T. Bhagat, APP for the respondent/State.

...  
CORAM : S.G. DIGE, J.  
(Vacation Court)

DATE : 27<sup>th</sup> MAY, 2022

PER COURT :-

. Heard learned counsel for the parties.

2. The learned counsel for the applicant-accused submits that the applicant-accused has been convicted by the learned Additional Sessions Judge, Jalgaon under Section 332, 504 and 506 of the Indian Penal Code and under section 130/177 of the Motor Vehicle Act. She was on bail during the trial, hence requested to allow the application and applicant-accused be released on bail.

3. The learned counsel further submitted that learned Additional Sessions Judge had wrongly appreciated the evidence and convicted the applicant-accused. It appears from evidence that applicant-accused is not guilty. Applicant-

accused has deposited the fine amount before the trial Court.

4. The learned A.P.P. objected for granting bail to the applicant-accused.

5. The applicant-accused has been convicted under section 332 of the Indian Penal Code by the learned trial Court and has sentenced to suffer simple imprisonment for three months and to pay a fine of Rs.500/-, in default, to suffer simple imprisonment for 15 days. The applicant-accused has been also convicted under sections 504 and 506 of the Indian Penal Code and in both the offences has sentenced to suffer simple imprisonment for 15 days and to pay fine of Rs.200/- and Rs.300/- respectively, and in default, to suffer simple imprisonment for 15 days. The applicant-accused has also been convicted under section 130/177 of the Motor Vehicle Act and sentenced to pay fine of Rs.100/-, in default, to suffer simple imprisonment for 15 days. The applicant was released on bail through out the trial and there is nothing in the impugned judgment suggesting that she has misused the liberty. The sentence that has been awarded is short term sentence.

6. By taking into consideration all above aspect, it appears that the short term sentence has been awarded. Further when the appeal is

admitted, it will take its own time to come up for hearing. She has deposited the fine amount. Hence, the conviction awarded to the applicant deserves to be suspended till the conclusion of the appeal. Hence, I pass the following order :-

**ORDER**

(i) Criminal Application stands allowed.

(ii) The conviction awarded to the applicant-appellant in Sessions Case No.294/2019 by the learned Additional Sessions Judge, Jalgaon on 30.04.2022 is hereby suspended till the hearing and conclusion of Criminal Appeal No.406 of 2022.

(iii) The applicant-accused shall be released on bail on executing P.B. and S.B. of Rs.20,000/- (Rs.Twenty Thousand only) before the trial Court.

(iv) The parties to act upon authenticated copy of this order.

(S.G.DIGE, J.)