

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.1823 OF 2022
IN
CRIMINAL APPEAL NO.419 OF 2022**

Nirmala Prakash Arun

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr.Amol S. Gandhi Advocate for Applicant.
Mr.B.V. Virdhe, A.P.P. for Respondent.
...

CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 27th JUNE, 2022

ORDER :

1. Heard both sides.
2. Perused the order passed by the learned Sessions Judge, Beed in Sessions Case No.305 of 2019. The learned Sessions Judge, Beed by Judgment and order dated 11th April 2022 convicted and sentenced the applicant / appellant thus:-

“ 1] Accused Nirmala Prakash Arun, R/o. Near Tahsil Godown, Tahasil Camp, Georai, Tq-Georai, Dist.Beed, is convicted of the offence punishable under Section 332 of the Indian penal Code, vide Section 235(2) of the Code of Criminal Procedure and to suffer R.I. for two (02) year as well as to pay fine of Rs. 500/- (Rs. Five Hundred only), in default to suffer further RI for (01) month.

2] Accused Nirmala Prakash Arun, R/o. Near Tahsil Godown, Tahasil Camp, Georai, Tq-Georai, Dist.Beed, convicted for the offence punishable under Section 506 of the Indian penal Code, vide Section 235(2) of the Code of Criminal Procedure and to suffer R.I. for one (01) year as well as to pay fine of Rs. 500/- (Rs. Five Hundred only), in default to suffer further RI for (01) month. ”

3. Though the learned Advocate appearing for the appellant has not annexed copies of depositions, yet taking into consideration the sentence that has been awarded to the appellant, i.e. maximum sentence that has been awarded is of two years and it is less likely that the matter would be heard finally in the near future and in view of the decision in ***Kiran kumar vs. State of M.P., (2001) 9 SCC 211***, the sentence

deserves to be suspended till the final hearing and disposal of the Appeal. Hence following order:-

ORDER

(I) The Application stands allowed and disposed of.

(II) The substantive sentence imposed on the applicant / appellant by the learned Sessions Judge, Beed in Sessions Case No.305 of 2019, dated 11th April 2022, is hereby suspended till the hearing and final disposal of Criminal Appeal No.419 of 2022.

(III) The applicant / appellant – Nirmala Prakash Arun be released on bail on PR Bond of Rs.50,000/- (Rupees Fifty Thousand) with two solvent sureties of Rs.25,000/- (Rupees Twenty Five Thousand) each.

(IV) The applicant / appellant shall not indulge in any criminal activity nor shall tamper with the prosecution evidence in any manner.

(V) The applicant / appellant shall remain present before the learned Trial Judge once in six months, till final hearing and disposal of the Appeal, commencing from the date she tenders bail papers, and thereafter, the Trial Judge to fix dates for her subsequent appearances.

(VI) In case of two consecutive defaults on the part of the applicant / appellant to remain present before the Trial Court, the Trial Court to inform this Court about the same, and in that eventuality the prosecution would be at liberty to file an application for cancellation of the bail granted to the applicant.

(VII) Bail before the Trial Court.

[SMT. VIBHA KANKANWADI, J.]