

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1857 OF 2019
IN APEAL/1268/2019 WITH APEAL/1268/2019 WITH
APEAL/1267/2019 WITH APPLN/2874/2019 IN APEAL/1267/2019
RESHMA D/O. PANDURANG WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA

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Mr. Ameya M. Sabnis, Advocate for the Applicant.
Mr. R.B. Bagul, APP, for the Respondent – State.

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CORAM : R.G. AVACHAT &
R.M. JOSHI, JJ

DATE : DECEMBER 21, 2022.

PER COURT :

1. Heard.
2. Learned APP has reservations to grant the application for suspension of execution of substantive sentence of imprisonment.
3. The case is based on circumstantial evidence. The applicant is a woman. She has been behind the bars since April, 2014. The deceased was one of the villagers. The applicant and the co-convict were alleged to have illicit relations *inter se*. The reason behind committing murder is stated to be the deceased to have spread rumors about their relationship. CA report pertaining to the blood stain found on the saree of the applicant is inconclusive. Although she is said

to have shown spot of the incident, the dead body of the deceased had already found there. While AD was recorded pursuant to the report lodged by Hake (PW 13). The recovery of the auto-rickshaw of the deceased pursuant to the disclosure statement made by the applicant would be of no consequence since it was found abandoned in open.

4. The appeal is of year 2019. For the present appeals of the year 2015 are being heard. The appeal is not likely to come up for final hearing in the near future. We are, therefore, inclined to allow the application as under:

ORDER

(a) Criminal application is allowed in terms of prayer clause 'B'.

(b) Pending the appeal, the substantive sentence of imprisonment imposed by the trial Court is suspended. The applicant be released on bail on her executing P.R. bond in the sum of Rs. 15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(c) Bail before the trial Court.

(R.M. JOSHI, J.)

(R.G. AVACHAT, J.)