

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

**917 CRIMINAL APPLICATION NO. 2447 OF 2022
IN APEAL/486/2017 WITH APEAL/486/2017**

**VARSHA W/O. RAJENDRA WADAWRAO
VERSUS
THE STATE OF MAHARASHTRA**

Mr. S. S. Jadhavar, Advocate for the applicant
Mr. R. B. Bagul, APP for the respondent/State

**CORAM : R. G. AVACHAT &
R. M. JOSHI, JJ.
DATED : 13th OCTOBER, 2022**

PER COURT :-

1. This is second application for suspension of execution of substantive sentence of imprisonment for life. The last one was rejected on 14th June, 2018. The applicant and her real brother had been convicted for committing murder of the applicant's husband by setting him ablaze. The reasons stated to be domestic violence. The children of the deceased and applicant were examined, one by the prosecution and the other by defence. Necessarily evidence of both of them was contrary to each other.
2. Learned APP has strong objection to grant the application since earlier one was rejected on merits.

3. Last such application was rejected way back in June, 2018. Four years have passed thereafter. It will still take time for the appeal to come up for hearing by its turn. The applicant is a woman. She is behind the bars for 7 years (including provisional bail on account of Covid-19). Considering the gender of the applicant and the fact that appeal is not likely to be heard in the near future, we are inclined to allow the application. Hence the order.

ORDER

- (i) Criminal Application is allowed.
- (ii) 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.
- (iii) Bail before the trial Court.
- (iv) It is made clear that the application is allowed only on the ground of the gender of the applicant.

(R. M. JOSHI, J.)

(R. G. AVACHAT, J.)

ssp