

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

**CRIMINAL APPLICATION NO. 2682 OF 2022
IN
CRIMINAL APPEAL NO. 644 OF 2022**

Sangita Nitin Patil

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. S.G. Bobde, Advocate for applicant
Mr. S.P. Sonpawale, A.P.P. for respondent - State
....

**CORAM : R.G. AVACHAT AND
R.M. JOSHI, JJ
DATE : 01st DECEMBER, 2022**

PER COURT :

1. This is an application for suspension of substantive sentence of imprisonment passed by the learned Additional Sessions Judge-1, Vaijapur in Sessions Case No. 65 of 2015 vide judgment and order dated 27th November, 2021.

2. Heard. Issue notice to the respondent. Learned A.P.P. waives service of notice for respondent – State.

3. Learned counsel for the applicant submits that co-accused, who is her husband, has been let off by the trial Court and hence evidence which is

common against both the accused would be given benefit of to the present applicant as well.

4. Learned A.P.P. opposed the said submissions and pointed out that death of the deceased is caused brutally and there is evidence of recovery of ornaments of the deceased at the instance of present applicant.

5. Prima facie perusal of the material placed on record shows that it is a case of the prosecution that blood stains were found in the common house of both the accused, which was incriminating circumstance against them. Though the ornaments are shown to have been seized at the instance of the appellant, there is nothing to show that those ornaments were proved to have been of the deceased. Evidence of the Medical Officer indicates that there were injuries on the private part of the deceased and which could not be apparently attributed to the appellant herein. State has not preferred appeal against acquittal of the co-accused. The applicant is a woman and is under going sentence for last seven years.

6. Considering the aforesaid material on record, the applicant has arguable case. The appeal is not likely to taken up in short period of time. Therefore, application deserves to be allowed. Hence, the following order :-

ORDER

- (i) Criminal application is allowed.
- (ii) Pending appeal, the substantive sentence of imprisonment imposed by the trial Court is suspended. The applicant be released on bail on 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) The applicant shall not enter jurisdiction of village Ranjangaon (S.P.), Tq. Gangapur, Dist. Aurangabad till appeal is decided.

(R.M. JOSHI, J.)

(R.G. AVACHAT, J.)

SSD