

Digitally
signed by
BHAGYAWANT
TATYARAO
PUNDE
Date:
2022.01.12
14:17:01
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

INTERIM APPLICATION NO. 93 OF 2022

IN

CRIMINAL APPEAL NO. 792 OF 2021

ALONG WITH

CRIMINAL APPEAL NO. 792 OF 2021

Monika Vitthal Bhangare

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Aniket Nikam for applicant.

Mr. S.S. Hulke, APP for State.

...

**CORAM : S. S. SHINDE &
N. R. BORKAR, JJ.**

DATE : 12th JANUARY, 2022.

P.C.:

1. Heard the learned counsel appearing for the applicant and learned APP for State.

2. Learned counsel for the applicant invites attention of this Court to the order passed by this Court (S.S. Shinde & S.P. Tavade, JJ.) and submits that the role assigned to the present applicant is identical to that of co-accused Shobha Vitthal Bhangare, to whom this Court has granted bail by order dated 08.12.2021. It is submitted that the applicant was on bail during the pendency of

trial and she has not misused the bail. It is submitted that the version of the alleged eye witnesses is contradictory to each other, and therefore, the impugned judgment and order is not legally sustainable. He invites our attention to the relevant facts stated by the prosecution wherein the alleged role assigned to the applicant is that the applicant was holding the deceased along with other co-accused including Shobha Bhangare.

3. On the other hand, the learned APP appearing for State relying upon the findings recorded by the trial Court submits that the application may be rejected.

4. We have carefully perused the role assigned to the present applicant and also to the co-accused Shobha Bhangare to whom this Court has granted bail thereby suspending her sentence by the order dated 08.12.2021. The role assigned to the present applicant in the alleged commission of offence is similar to co-accused Shobha Bhangare. Nothing is brought to the notice of this Court that the present applicant has misused the bail granted to her during the pendency of trial. We have carefully perused the order passed by this Court and we are satisfied that the case of the present applicant stands on equal footings *vis a vis* co-accused

Shobha Bhangare. In that view of the matter, in the light of observations made by this Court in the aforesaid order dated 08.12.2021 and in particular para 2 and 3, we are inclined to pass the following order.

ORDER

1. The application is allowed.
2. The substantive sentence of imprisonment imposed on the present applicant by the trial Court in Sessions Case No. 218 of 2017, is hereby suspended during the pendency of appeal.
3. The applicant i.e. Monika Vitthal Bhangare is hereby released on bail on furnishing solvent surety of Rs. 25,000/- and on execution of PR bond in the like amount.
4. The applicant shall attend the concerned police station in the near vicinity once in a three months, preferably on Monday in between 11.00 am to 1.00 pm.
5. The applicant shall not leave India without prior permission of this Court.
6. The application stands disposed of.

(N. R. BORKAR, J.)

(S. S. SHINDE, J.)