

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.599 OF 2022
IN
CRIMINAL APPEAL NO.173 OF 2022

Chanda Ram Shivsharan
versus
The State of Maharashtra

Applicant

Respondent

Mr.Ritesh Thobde, Advocate for applicant.
Mr.H.J.Dedhia, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 8th March 2022

PC :

1. This is an application for suspension of sentence and grant of bail. The applicant is convicted for offences punishable under Sections 498A, 306 and 304B of Indian Penal Code and sentenced to suffer imprisonment of three years, three years and seven years respectively.

2. Learned counsel for applicant submitted that the applicant was on bail during trial. The facility of bail has not been misused. The marriage between the parties was solemnized on 29th October 2012. The alleged incident had occurred on 12th September 2016 and FIR was registered on 15th August 2017. The entire case of prosecution is false. There is no evidence to support offence under Sections 498A, 306 and 304B of IPC. There are serious discrepancies in the evidence of witnesses. The applicant is lady. During pendency of trial she was on anticipatory bail.

3. Learned APP submitted that due to harassment the daughter-in-

law of the applicant had committed suicide. There is sufficient evidence to support charges against applicant.

4. The applicant is lady. She is in custody from the date of judgment. She was granted anticipatory bail during trial. There is delay in registering the FIR. The alleged incident had occurred on 12th September 2016 and the FIR was registered on 15th August 2017 i.e. after about 11 months from the date of incident. There is no adverse report with regards to misuse of facility of bail granted to the applicant. Considering these circumstances, sentence of imprisonment can be suspended.

ORDER

- (i) Interim Application is allowed and disposed of;
- (ii) Sentence of imprisonment imposed vide judgment and order dated 8th February 2022 by Additional Sessions Judge, Solapur in Sessions Case No.221 of 2018 is suspended and applicant is directed to be released on bail on executing PR bond in the sum of Rs.20,000/- with one or more sureties in like amount;
- (iii) The applicant is permitted to furnish cash bail in the sum of Rs.20,000/- for ten weeks in lieu of sureties;
- (iv) The applicant shall attend Trial Court once in six months on first Saturday of the month till final disposal of the Criminal Appeal;
- (v) In the event there are two consecutive defaults in attending the Trial Court, the Trial Court shall submit report to this Court;
- (vi) In the event of default committed by the applicant in attending the Trial Court, the prosecution will be at liberty to prefer application for cancellation of bail.

(PRAKASH D. NAIK, J.)