

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1333 OF 2022
IN
CRIMINAL APPEAL NO. 487 OF 2022

Janki Mahesh Chavla

.....Applicant

Vs.

The State of Maharashtra

.....Respondent

Mr. Aniket Vagal for the Applicant.

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

Mr. Patil (PSI), RCF Police Station is present.

CORAM : A. S. GADKARI, J.

DATE : 20th JUNE, 2022.

PC:-

This is an Application for suspension of sentence and releasing the Applicant on bail.

2. Applicant is original Accused No.4 in Sessions Case No.605 of 2011 & Sessions Case No.635 of 2012.

3. Applicant has been convicted under Section 3 of the Immoral Traffic (Prevention) Act, 1956 (for short 'ITPA Act') and sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs.2,000/-. Applicant is also convicted under Section 4 of the ITPA Act and sentenced to suffer rigorous imprisonment for seven years and to pay fine of Rs.1,000/- by the learned Additional Sessions Judge, Greater Mumbai in Sessions Case No.605 of 2011 & Sessions Case No.635 of 2012 by its Judgment and Order dated 24th April, 2019.

4. Learned Advocate for the Applicant submitted that, the Accused Nos.1 and 2 have also been convicted and sentenced along with Applicant for the same charges, have been granted bail by this Court by suspending their sentence. He further submitted that, Applicant has already undergone sentence under Section 3 of IPTA Act and is undergoing sentence under Section 4 of the IPTA Act. As the Applicant is similarly situated as the co-accused Nos.1 and 2, who have been already released on bail, the Applicant deserves to be released on bail on same and similar terms and conditions by suspending sentence imposed upon her.

5. Hence, following Order:-

- i) The substantive sentence of imprisonment awarded to the Applicant is suspended during the pendency of Appeal subject to the Applicant furnishing P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount and on payment of fine, if not already paid.
- ii) Applicant is permitted cash bail surety of Rs.25,000/- for a period of 12 weeks in lieu of furnishing the surety bond.
- iii) Applicant shall furnish her permanent residential address along with proof before the RCF Police Station, Mumbai.

6. Application is allowed in aforesaid terms.

(A.S. GADKARI, J.)