

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

***INTERIM APPLICATION NO.1719 OF 2022
IN
CRIMINAL APPEAL NO.710 OF 2022***

1. Fulabai Tatyaba Rupnawar
2. Latabai Rajendra Rupnawar
3. Vandana Bai Sanjay Rupnawar Applicants
Vs.
The State of Maharashtra Respondent

Mr. Nikhil Patil for the Applicants.
Mr. V. B. Konde-Deshmukh, APP for Respondent.

***CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.***

DATE : 25th JULY 2022.

P. C.

Heard learned counsel for the parties.

2. By this application, the applicants seek suspension of their sentences and enlargement on bail, pending the hearing and final disposal of the aforesaid appeal.

3. The applicants alongwith other co-accused were convicted and sentenced vide judgment and order dated 1/12/2018 passed by the Sessions Judge, Solapur in S. C. No.257/2018 as under:

- For the offence punishable under section 302 read with 149 of the Indian Penal Code to suffer imprisonment for life and to pay fine.

- For the offences punishable under sections 143, 144, 147, 148, 323, 324 and 506 read with 149 of the IPC and under section 5 read with 25 of the Arms Act, no separate sentence was awarded.

4. Perused the papers with the assistance of the learned counsel for the applicants and the learned APP. It appears that there are two eye witnesses to the alleged incident dated 4/11/2016. PW-3 -Suvarna Ashok Rupnawar is the wife of deceased and complainant in the said case. She has disclosed the manner in which the incident has taken place. The said witness has stated that accused Appa Rupnawar and Rajendra Rupnawar were armed with swords, Sanjay Rupnawar and Sachin Rupnawar with sickle, Dada Rupnawar and Santosh Rupnawar with sticks and, Kuldip Rupnawar with a stone. She has stated that all the said accused assaulted her husband on his head, back, thigh and both hands. She has further stated that when she went to rescue her husband, at that time, the applicants Fulabai, Latabai, Vandanabai

and Ashabai came to the spot and dragged her from the spot and assaulted her with fist and kick blows. *Prima facie*, it appears that the applicants came post the incident of assault on the deceased. Admittedly, the applicants were not armed with any weapon.

5. It is not in dispute that the applicants were on bail pending trial and have not abused or misused the liberty granted to them.

6. Considering the aforesaid, the application is allowed and the applicant's sentences are suspended and they are enlarged on bail, pending the hearing and final disposal of their Appeal, on the following terms and conditions :-

ORDER

- i) The Applicants be enlarged on bail on furnishing P. R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;
- ii) The Applicants shall report to the trial Court, once in three months on the day/date specified by the trial Court, till his Appeal is finally disposed of;
- iii) The Applicants shall keep the trial Court

informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

iv) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of their bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. All concerned to act on the authenticated copy of this order.

SHARMILA U. DESHMUKH, J. REVATI MOHITE DERE, J.