

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

**INTERIM APPLICATION NO. 2939 OF 2023
IN
APPEAL NO. 729 OF 2017**

LAXMI
SUBHASH
SONTAKKE

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Date: 2023.12.26
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Banu @ Kalibai Ismile Khan

.. Applicant

Versus

The State of Maharashtra

.. Respondent

**Mr. Aniket Vagal a/w Kunal Pednekar, Divesh Mehani and Savvy
Kolhekar *for the Applicant.***

Ms Anamika Malhotra, APP, *for the Respondent-State.*

**CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**

DATE : DECEMBER 22, 2023

P. C.

1. The above Interim Application is filed under Section 389 of the Cr.P.C. seeking suspension of sentence in Session Case No. 235 of 2011 as well as being enlarged on bail on such terms and conditions as this Court may deem fit.

2. We have heard the learned Counsel appearing for the Applicant as well as the learned APP appearing for the State. The Applicant came to be

convicted for offences punishable under Sections 302, 452 and 504 read with Section 34 of the Indian Penal Code, 1860 by the Sessions Judge in Case No. 235 of 2011 and the Applicant has been sentenced to suffer life imprisonment.

3. Considering that the Applicant has been in custody for approximately 12 years, having regard to the law laid down by the Hon'ble Apex Court in the matter of *Sonadhar Vs. The State of Chhattisgarh* reported in 2022 Live law [SC 788], we deem it appropriate to suspend the sentence and direct release of the Applicant Banu @ Kalibai Ismile Khan by furnishing PR bond of Rs. 25,000/- with one or two sureties of the like amount.

4. The Applicant shall mark her presence before the Deolali Police Station in the first week of every alternate English calendar month after her release.

5. The above Interim Application is disposed of in the aforesaid terms.

6. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]

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