

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

***INTERIM APPLICATION NO.3664 OF 2023
IN
CRIMINAL APPEAL NO.943 OF 2023***

Shobha Anil Ingale ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Kartik Garg a/w Ms. Aashka Shell, for the Applicant.

Ms. P. P. Shinde, A.P.P for the Respondent – State.

***CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.***

DATE : 25th OCTOBER 2023

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks suspension of her sentence and enlargement on bail, pending the hearing and final disposal of the aforesaid appeal.
3. The applicant vide judgment and order dated 5th December 2022 passed by the learned Additional Sessions Judge, Baramati in

Session Case No. 15 of 2016 has been convicted for the offence punishable under Section 302 of the Indian Penal Code and is sentenced to suffer life imprisonment and to pay fine of Rs.1,000/- in default, to undergo simple imprisonment for 15 days.

4. Perused the papers. The prosecution case rests entirely on circumstantial evidence i.e. the evidence of last seen and that of extra judicial confession. As far as last seen is concerned, the prosecution has examined PW4 - Sachin Ingale, son of the applicant and deceased. He has stated that on the previous day, he had gone to his grand mother's house i.e. on 22nd August 2015 and returned on the next day i.e. on 23rd August 2015 at about 6:30 a.m. when he saw the dead body of his father lying in the house. As far as extra judicial confession is concerned, the prosecution has examined PW3 – Bhikaji Pachpinde and PW5 – Maya Pachpinde, neighbours of the applicant and PW2 – Sunil Ingale, brother-in-law of the applicant. We have perused the evidence, *prima facie*, there appears to be some discrepancy with respect to the timings and extra judicial confession allegedly made by

the applicant to the said witnesses. The applicant is in custody since 23rd August 2015. The appeal is of the year 2023 and the same is not likely to come up for the hearing in the immediate near future.

5. Considering what is stated aforesaid and the fact that the that the applicant is incarcerated for more than 8 years, the application is allowed and the applicant's sentence is suspended and she is enlarged on bail, pending the hearing and final disposal of the aforesaid appeal, on the following terms and conditions :-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- ii) The Applicant shall report to the trial Court, once in four months on the day/date specified by the trial Court, till her Appeal is finally disposed of;
- iii) The Applicant shall keep the trial Court informed of her 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 bail.

6. Interim Application is allowed in the aforesaid terms and accordingly disposed.

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

GAURI GODSE, J.

REVATI MOHITE DERE, J.