

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

***INTERIM APPLICATION NO.3856 OF 2023  
IN  
CRIMINAL APPEAL NO.1167 OF 2023***

Surekha Ramesh Mengade ...Applicant  
Versus  
The State of Maharashtra ...Respondent

Mr. Tapan Thatte i/b Mr. Vivek N. Arote, for the Applicant.

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

***CORAM : REVATI MOHITE DERE &  
GAURI GODSE, JJ.  
DATE : 19<sup>th</sup> DECEMBER 2023***

***ORAL ORDER (Per Revati Mohite Dere, J.):***

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 alongwith other co-accused, vide Judgment

**Corrected vide order dated 22<sup>nd</sup> December 2023 (in bold)**

and Order dated 4<sup>th</sup> October 2023, passed by **learned Additional Sessions Judge at Mangaon, District – Raigad** in Sessions Case No. 31 of 2018, has been convicted and sentenced as under:-

- for the offence punishable under Section 302 r/w 34 of the Indian Penal Code, to suffer rigorous imprisonment for life and to pay fine of Rs.10,000/- each, in default, to undergo simple imprisonment for 3 months;
- for the offence punishable under Section 392 r/w 34 of the Indian Penal Code, to suffer rigorous imprisonment for 10 years and to pay fine of Rs.5,000/- each, in default, to undergo simple imprisonment for 3 months;
- for the offence punishable under Section 450 r/w 34 of the Indian Penal Code, to suffer rigorous imprisonment for 7 years and to pay fine of Rs.5,000/- each, in default, to undergo simple imprisonment for 2 months;
- for the offence punishable under Section 120B r/w 34 of the Indian Penal Code, to suffer rigorous imprisonment for life and to pay fine of Rs.10,000/- each, in default, to undergo simple

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imprisonment for 3 months;

- for the offence punishable under Section 203 r/w 34 of the Indian Penal Code, to suffer rigorous imprisonment for 2 years and to pay fine of Rs.5,000/- each, in default, to undergo simple imprisonment for 2 months;
- for the offence punishable under Section 177 r/w 34 of the Indian Penal Code, to suffer simple imprisonment for 6 months and to pay fine of Rs.1,000/- each, in default, to undergo simple imprisonment for 15 days.
- All the aforesaid sentences were directed to run concurrently.

4. Perused the papers. The prosecution case admittedly rests entirely on circumstantial evidence. As far as the applicant is concerned, the only circumstance alleged as against the applicant is recovery of a key at **her** instance under Section 27 of the Evidence Act. Admittedly, the prosecution has not produced the lock with which the said key was allegedly opened by the applicant, when they entered the

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**house** and killed the deceased. Apart from the aforesaid, there is no other circumstantial evidence, *qua* the applicant.

5. It is not in dispute that the applicant was on bail pending trial and that **she** has not misused or abused the liberty granted to **her**.

6. Considering the aforesaid, 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.25,000/- 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 the appeal is finally disposed of;

**Corrected vide order dated 22<sup>nd</sup> December 2023 (in bold)**

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.

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

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

***GAURI GODSE, J.***

***REVATI MOHITE DERE, J.***

**Corrected vide order dated 22<sup>nd</sup> December 2023 (in bold)**