



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.314 OF 2024 IN
CRIMINAL APPEAL NO.64 OF 2024**

Sapna @ Swapna Shekhar Shinde ... **APPLICANT**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....
Ms. Ashwini Lomte, Advocate holding for
Mr. S.J. Salunke, Advocate for applicant
Mr. S.D. Ghayal, Addl. P.P. for respondent, assisted by
Ms. Pradnya Talekar, Advocate for informant
.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 30th JANUARY, 2024

ORDER :

This is an application for suspension of substantive sentences and releasing the applicant on bail pending the appeal.

2. Heard learned counsel for the applicant, learned Addl. P.P. for the respondent, assisted by learned counsel for the informant. Perused the papers.

3. The applicant along with other co-appellants have been convicted for the offence punishable under Section 302 read with

Section 149 of the Indian Penal Code. It is the case of the prosecution that, all the appellants have set on fire the deceased. The applicant herein is the widow of the deceased. The co-appellants are the father-in-law, mother-in-law and brother-in-law of the deceased. The co-appellants who have been convicted with the aid of Section 149 of the Indian Penal Code, have been granted bail and their sentences have been suspended by this Court, vide order dated 19/4/2022. The role attributed to the present applicant is similar as attributed to the co-appellants. The applicant/appellant was on bail during the trial. Under such circumstances, considering the ground of parity, we are inclined to allow the application on the same terms and conditions on which the applications of co-appellants have been allowed :

ORDER

(i) The Criminal Application is allowed.

(ii) Pending the appeal, the substantive sentences of imprisonment imposed upon the applicant by learned Additional Sessions Judge, Bhoom in Sessions Case No.161/2014, vide judgment and order dated 17/3/2022 to stand suspended and the applicant be released on bail on her executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

(iii) The applicant is directed to attend the Police Station, Bhoom and mark her presence once in six months till disposal of the Criminal Appeal.

(iv) The applicant is directed to remain personally present before this Court at the time of final hearing of the appeal.

(vii) Place the Criminal Appeal for hearing on 12th March 2024.

4. The Criminal Application stands disposed of.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-