



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1158 OF 2024
IN CRIMINAL APPEAL NO. 260 OF 2024

Sindhubai Bandu Dhotre

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....

Mr. C.C. Deshpande, Advocate for applicant

Ms. U.S. Bhosale, A.P.P. for respondent - State

....

CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ
DATE : 27th AUGUST, 2024

PER COURT :

1. This is an application for suspension of sentence imposed by Additional Sessions Judge, Ambad in Sessions Case No. 69 of 2021 vide judgment and order dated 13th February, 2024 thereby convicting the applicant for the offences punishable under Sections 302 and 498-A of the Indian Penal Code and under Sections 3 and 4 of Dowry Prohibition Act.

2. Learned counsel for the applicant submits that the applicant is a woman, aged sixty three years and recently her husband has passed away. He submits that the applicant was on bail during the entire trial. He submits that there is a child of the deceased, who was her daughter-in-law, for which no one is there to take care. He urged for allowing the application.

3. The application is vehemently opposed by learned A.P.P. She submits that sympathy and gender cannot be the grounds for grant of bail in such offences. She further submits that the trial Court has rightly appreciated the evidence and convicted the applicant. She ultimately urged for rejection of the application.

4. There is no dispute that the applicant, who is a woman and aged sixty three years, was on bail during trial. The appeal would not come up for final hearing in near future. There is also no dispute that she lost her husband recently. Considering all these aspects, we are inclined to allow the application.

5. In view of above, the execution of substantive sentence of imprisonment to stand suspended pending the appeal. The applicant be released on her executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

6. Criminal application stands disposed of accordingly.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

SSD