



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

**CRIMINAL APPLICATION NO.2207OF 2022 IN
CRIMINAL APPEAL (ST.) NO.5991 OF 2022**

Kamal @ Usha Bhausahab Shinde ... APPLICANT

VERSUS

The State of Maharashtra & anr. ... RESPONDENTS

.....
Mr. R.D. Biradar, Advocate for applicant
Mrs. U.S. Bhosle, A.P.P. for respondent No.1
.....

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

DATE : 28th MARCH, 2024

ORDER :

This is an application for suspension of sentence, awarded by learned Additional Sessions Judge, Ahmednagar in Sessions Case No.177/2017, vide judgment and order dated 27/12/2019.

2. Heard learned counsel for the applicant and learned A.P.P. for the respondent – State and perused the papers on record.

3. It is submitted by learned counsel for the applicant that, the applicant is a woman and the case is based on circumstantial

evidence. He submits that, the applicant is behind the bars for a period of 7 years and the appeal would not be heard in near future. He submits that, the applicant be released on bail by suspending the substantive sentence.

4. The learned A.P.P. opposes the application. She submits that, the applicant has killed her own husband in her matrimonial house. She submitted that the application be rejected.

5. The case is based on circumstantial evidence. The co-accused has been acquitted. The applicant is a woman. She is behind the bars for a period of 7 years and there is no possibility that the appeal would be heard finally in near future. In this view of the matter, we proceed to pass the following order :

ORDER

(i) The Criminal Application is allowed.

(ii) Pending the appeal, the substantive sentence of imprisonment imposed by learned Additional Sessions Judge, Ahmednagar in Sessions Case No.177/2017, vide judgment and order dated 27/12/2019 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) Fees of learned Advocate Mr. Biradar (appointed) is quantified at Rs.8000/- (Rupees eight thousand) for the purpose of this application.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-