

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

906 CRIMINAL APPLICATION NO. 3866 OF 2023
IN APEAL/1033/2023

Saraswati Trimbak Kurwade

VERSUS

The State Of Maharashtra

...

Mr. Balasaheb N. Magar, Advocate for Applicant
Mr. S. D. Ghayal, Addl. PP for Respondents/State

...

WITH

CRIMINAL APPEAL NO. 1033 OF 2023

...

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

DATED : 03rd JANUARY, 2024

PER COURT : -

1. Heard learned advocate for the applicant and the learned APP for respondent/State.

2. This application is preferred for suspension of substantive sentence imposed upon the applicant by the learned Additional Sessions Judge-1, Hingoli, District Hingoli, vide Judgment and Order dated 13.06.2023 passed in Sessions Case No. 53/2017.

3. Learned advocate for the applicant pointed out that the accused no. 2 has been acquitted whereas the present applicant has

been convicted for the offence punishable under Section 302 of the Indian Penal Code. He also points out to this Court that during the Covid-19 pandemic, the applicant was released on temporary bail. He submits that the applicant is a woman and that she is behind the bars for last four and half years.

4. Learned APP opposes the application.

5. In view of the submissions advanced on behalf of the applicant, we are inclined to suspend the sentence till the conclusion of the appeal. Hence, the following order.

ORDER

[i] Criminal Application is allowed.

[ii] The substantive sentence imposed upon the applicant by the learned Additional Sessions Judge-1, Hingoli, District Hingoli, vide Judgment and Order dated 13.06.2023 passed in Sessions Case No. 53/2017, is hereby suspended till the disposal of the appeal.

[iii] The applicant be released on furnishing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand), till the disposal of the appeal.

[iv] Bail before the trial Court.

[v] List the Criminal Appeal No. 1033 of 2023 for final hearing on *18th January, 2024.*

[NEERAJ P. DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE

SG Punde