

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3562 OF 2023

IN

CRIMINAL APPEAL NO.1164 OF 2023

Shantabai Mohan Chavan

.. Applicant

vs.

The State of Maharashtra

.. Respondent

Mr.Aniket Vagal a/w. Ms. Savvy Kolhekar for Applicants.

Mr. J.P. Yagnik, APP for the State.

**CORAM: A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 5th FEBRUARY, 2024.

P. C.:-

- 1) This is an Application for suspension of sentence and releasing the Applicant on bail.
- 2) Heard Mr. Aniket Vagal, learned Advocate for the Applicant and learned APP for the State. Perused record.
- 3) The dead-body of deceased Basu L. Rathod was found on the terrace of a building at Chembur, Mumbai on 25th February, 2014 by PW No.1 and thereafter the criminal law was set into motion. The prosecution case is based on circumstantial evidence.

It is the prosecution case that, Accused No.1 Smt.

Shankaribai Rathod was having extra marital affair with deceased Basu Rathod. Subsequently their relations were strained as Accused No.1 Shankaribai came to know that the deceased was having relations with some other woman also. The Accused persons therefore conspired to commit murder of Basu Rathod. Accordingly Accused No.1 gave a phone call to the deceased and called him at the spot of incident. It is the prosecution case that, Applicant was accompanying Accused No.1 – Shankaribai J. Rathod at that relevant time. That, Accused No.3 Shankar @ Sukya Hunya Rathod actually assaulted deceased with a knife.

4) Prima facie it appears that, apart from the role that the Applicant accompanied Shankaribai on the alleged day and date at the place of incident, no other overt act is attributed to her. Applicant was on bail during the pendency of trial and there is no report of violation of any of the conditions imposed upon her.

5) In view thereof, during the pendency of Appeal, we are inclined to suspend sentence and release the Applicant on bail.

5.1) Hence, following Order :-

(i) Applicant shall be released on bail in Sessions Case No. 503 of 2014 arising out of CR No. 48 of 2014 registered with R.C.F. Police Station, Chembur, Mumbai on her furnishing P.R. bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After her release from Jail and during the pendency of the present Appeal, the Applicant shall attend R.C.F. Police Station, Chembur, Mumbai on every first Monday of the month between 10.00 am and 12.00 noon initially for a period of one year.

After end of one year, the Applicant shall attend R.C.F. Police Station, Chembur, Mumbai on every first Monday of every 3rd month between 10.00 am and 12.00 noon. The Applicant thus shall attend R.C.F. Police Station, Chembur, Mumbai four times in a year during the pendency of the present Appeal.

(iii) In case of two consecutive defaults in complying with the aforesaid conditions, the Prosecution is at liberty to file an application for cancellation of bail.

(iv) Applicant shall inform her prospective residential address to the trial Court. Applicant shall keep informed the trial Court any change in her residential address and her mobile number, on which she can be contacted.

(v) Applicant shall make herself available at the time of final hearing of the Appeal.

6) Interim Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK,J.)

(A. S. GADKARI, J.)

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