

sentence and enlargement on bail, pending the hearing and final disposal of her aforesaid appeal.

3. The applicant, vide Judgment and Order dated 5th February, 2024, passed by the learned Sessions Judge, Dadra & Nagar Haveli, Silvassa, in Sessions Case No. 16 of 2020, has been convicted for the offence punishable under Section 302 of the Indian Penal Code and is sentenced to suffer imprisonment for life and to pay fine of Rs.10,000/-, in default of payment of fine, to suffer simple imprisonment for six months.

4. Perused the papers. Admittedly, the prosecution case rests essentially on circumstantial evidence. According to the prosecution, the applicant strangled her two year old daughter and as such has also committed her murder on 20th September, 2020. The case of the applicant in her 313 statement is that on the day of the incident, she was alone in the bedroom; that her mother-in-law had forcibly taken her daughter (deceased) by confining her in the bedroom; that she was

not provided food for two days and had been given cruel treatment; that on the said two days, the deceased was not with her, but was in the custody of her mother-in-law. According to the applicant, her mother-in-law did not want a female child and, as such, a false case has been foisted on the applicant. The applicant examined her brother as DW1 – Ramsingh Sherbahadur Singh. He too has deposed on similar lines.

5. It is not in dispute that the applicant was on bail pending the trial. The appeal is of the year 2024 and is not likely to be heard in the immediate near future.

6. Considering the aforesaid, the application is allowed and the applicant's sentence is suspended and she is enlarged on bail, pending the hearing and final disposal of her appeal, on the following terms and conditions;

ORDER

i) The applicant be enlarged on bail on furnishing

P.R. Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;

ii) The applicant shall report to the trial Court, once in six months on the day/date specified by the trial Court, till her Appeal is finally disposed of;

iii) The applicant shall keep the trial Court informed of her current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

iv) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. All concerned to act on the authenticated copy of this order.

SHYAM C. CHANDAK, J.

REVATI MOHITE DERE, J.