



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.33/2024

IN

CRIMINAL APPEAL NO.13/2024

Sau. Darshana Dnyaneshwar Chavan Vs. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. M. Daga, Advocate for Applicant.
Mr. J. Y. Ghurde, A.P.P. for Non-applicant/State.

CORAM : VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 24/01/2024.

. Heard.

2. This is an application seeking suspension of execution of sentence passed in Sessions Trial No.7/2020 vide judgment and order dated 22/12/2023. Two accused were tried for committing murder of lady namely Nikita @ Golu.

3. Accused No.1 – Akash is the husband of deceased whilst accused No.2 – Darshana (applicant) alleged to be having illicit relation with Akash. The prosecution case is totally based on the circumstantial evidence. Two witnesses have been examined to state that on the fateful night, the applicant was in the house of couple where the incident occurred. The applicant's learned Counsel challenged the identity by stating that Test Identification Parade was not conducted and particularly, her name and residence is different than alleged.

4. The learned A.P.P. has attracted our attention to the number of injuries found on the body of the deceased.

Moreover, he would submit that onus lies on the applicant to explain since it is a case of custodial bail.

5. The learned Counsel for the applicant took us through the A.D. enquiry and related evidence of Investigating Officer. It is pointed out that during A.D. enquiry neither the informant nor two witnesses have expressed any suspicion. During trial, the applicant was on bail. It is brought to our notice that due to matrimonial dispute, the applicant was residing separately with her two minor kids studying in 6th and 4th standard.

6. Considering the nature of material, which is in the form of circumstantial evidence, arguable case has been made out. Moreover, during the trial, applicant was on bail. In view of that, it is a fit case to exercise our judicial discretion. Hence, the following order :

- i] The application is allowed.
- ii] Execution of substantive sentence passed in Sessions Trial No.7/2020 against the applicant namely Sau. Darshana Dnyaneshwar Chavan shall stand suspended till disposal of the appeal.
- iii] The applicant shall be released on bail on she furnishing P.R. bond of Rs.25,000/- (rupees twenty five thousand only) with one surety in the like amount.

- iv] The Trial Court shall issue release warrant only after ensuring the deposit of entire fine amount.
- v] The application stands disposed of.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)