



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

CRIMINAL APPLICATION (APPA) NO. 1281/2023 IN
CRIMINAL APPEAL NO. 55/2019

(Sunita Kishor Bulkar @ Sunita Deepak Awale Vs. State of Maharashtra)

carried out as
per order dated
17.10.2024

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

Court's or Judge's orders

Mr. Chaitanya Barve, Advocat for applicant.
Mr. A. Joshi, APP for non-applicant/State.

CORAM: VINAY JOSHI AND
MRS. VRUSHALI V. JOSHI, JJ.

DATED : 30/09/2024.

Heard.

2. This application is of accused No.3 Sunita Kishor Bulkar @ Sunita Deepak Awale seeking suspension of executive of sentence passed in MCOC Case No.23/2016 vide judgment and order dated 03.04.2018. The applicant Sunita was convicted for the offence punishable under Sections 342, 363, 386, 420 read with Section 120-B of the Indian Penal Code, Section 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act ("MCOC Act"). Applicant Sunita was separately sentenced for each offence. However, the maximum term of rigorous imprisonment is for ten years. The Trial Court has imposed total fine of Rs. 15,10,000/-.

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3. Suspension is mainly sought on the ground of parity with co-accused No.4 Pushpa Nikhare who has been released on bail by suspension vide order dated 14.09.2023 by this Court. Moreover, it is submitted that the applicant is arrested on 04.05.2016 and till date, she is in Jail, meaning thereby, she is in confinement for the period of eight years and four months. The applicant has also submitted that in the meantime, she was released on furlough and she surrendered. Apart from the submission on merits, it is also canvassed to convince that the provisions of MCOC Act may not attract as regards to the applicant lady.

4. Having regard to the long incarceration, we are of the view that this itself is sufficient reason to suspend the execution of sentence. Admittedly, maximum punishment is of ten years. The Trial Court has directed that substantive sentence to run concurrently. Moreover, there is no dispute that for the period of eight years and four months, the applicant is in Jail. This Court has also suspended sentence of another co-accused Pushpa on the very ground that she was in Jail for seven and half years.

5. In view of above, application is allowed. The execution of substantive sentence passed against applicant Sunita Kishor Bulkar @ Sunita Deepak Awale passed in MCOC Case No.23/2016 stands suspended till final disposal of appeal.

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6. In the meantime, the applicant shall be released on bail on her furnishing P.R. Bond of Rs. 50,000/- till disposal of appeal.

7. The Trial Court shall issue release warrant after ensuring the partial deposit of fine of Rs. 5,00,000/- by the applicant.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)

Gohane