

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 5313 OF 2024****IN****CRIMINAL APPEAL NO. 654 OF 2021**

Asha Uttam Taware

... Applicant/Appellant

V/s.

The State of Maharashtra

... Respondent

Mr. Aniket Vagal a/w. Mr. Kunal N. Pednekar & Ms. Savvy Kolhekar for Applicant/Appellant.

Mr. Vinod Chate, A.P.P. for Respondent-State.

Ms. Ashwini Patel, P.S.I., Chandannagar Police Station, Pune City.

**CORAM : A. S. GADKARI AND
MILIND N. JADHAV, JJ.**

DATE : 5th March 2025.

P.C. :

1) This is a consecutive Application for suspension of sentence and releasing the Applicant on bail under Section 389(1) of the Criminal Procedure Code (Cr.P.C.) by the Original Accused No.1. The earlier Application i.e. Interim Application No. 2881 of 2022, preferred by the Applicant was dismissed as withdrawn by an Order dated 5th September 2022.

2) Heard Mr. Vagal, learned Advocate for Applicant and Mr. Chate, learned A.P.P. for Respondent-State. Perused entire record.

3) Record indicates that, Interim Application No. 826 of 2023 preferred by the Applicant for taking up Appeal for final hearing was rejected by granting her liberty to move this Court for final hearing of her Appeal after six months from 8th March 2023.

4) Mr. Vagal, learned Advocate for Applicant submitted that, though approximately 2 years have passed from the 8th March 2023, the Appeal of the Applicant, till date could not be taken up for final hearing, in view of the overall pendency of the Appeals before the concerned Bench. That, the Applicant has already undergone approximately 9 years in incarceration from the date of her arrest i.e. 21st April 2016. He therefore requested this Court to release the Applicant on bail during the pendency of the Appeal.

5) It is the fact on record that, the Applicant is behind bars for last about 9 years at pretrial stage and post conviction. In view of the pendency of the Appeals before the various Benches of this Court, the chances of taking up the Appeal of the Applicant for final hearing in near future are bleak. Apart from the said fact, the Applicant is a woman and has already undergone 9 years in incarceration, out of the total sentence imposed upon her.

6) In view of the above and without entering into the merits involved in the Application, we are inclined to suspend the sentence of the Applicant and release her on bail during the pendency of the Appeal.

6.1) Hence, the following Order :-

- (i) During the pendency of the Appeal, the substantive sentence imposed upon the Applicant is suspended.
- (ii) Applicant be released on bail in Sessions Case No. 492 of 2016, on her furnishing P.R. bond in the sum of Rs.25,000/- with one or two local sureties in the like amount.
- (iii) After her release from jail, the Applicant shall attend the trial Court i.e. the Court of Addl. Sessions Judge, Pune, on the first Monday of every month between 11:00 a.m. and 1:00 p.m., to mark her presence. If the first Monday of the said month falls on a holiday and/or non Court working day, the Applicant shall mark her presence immediately on the next working day.
- (iv) Before her actual release from jail, the Applicant shall furnish her address where she proposes to reside after her release from jail, to the Chandannagar Police Station, Pune and also to the trial Court.
- (v) In case of two consecutive defaults in reporting to the trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

7) Application is allowed in the aforesaid terms.

8) All the concerned to act on an authenticated copy of this Order.

(MILIND N. JADHAV, J.)

(A.S. GADKARI, J.)

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