

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.460 OF 2021
(Arising out of SLP(Crl.)No.3107 of 2021)

NEETA NAGESH KULKARNI

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

O R D E R

Leave granted.

This appeal takes exception to the judgment and order dated 11.02.2021 passed by the High Court of Judicature at Bombay in Interim Application No. 65 of 2021 in Criminal Appeal No. 870 of 2019 rejecting the prayer for suspension of sentence and grant of bail.

Heard learned counsel for the parties.

The High Court has noted that on merits the prosecution has succeeded in establishing the fact of offence having been committed by the appellant. The learned counsel for the State has reiterated the said plea.

However, according to the appellant, the basic fact as to who had prepared the C.D. which is the main evidence used against the appellant and from which source, it is recovered, is not forthcoming. In absence of that evidence, the chain of circumstances to link the appellant and none-else, has not

been established.

Without expressing any opinion either way on the merits of the submission canvased before us, in the peculiar facts of the present case and in the interest of justice, we direct that, during the pendency of the appeal before the High Court, the appellant be released on bail to the satisfaction of the Trial Court in connection with Sessions Case No. 136 of 2011 arising out of FIR No. 6 of 2011 registered at PS-Manava Sagari, Raigad, Maharashtra and on such terms and conditions as may be imposed by the Trial Court.

We once again make it clear that the appeal pending before the High Court be decided on its own merits and in accordance with law uninfluenced by any observation made in this order.

The appeal is allowed in the above terms.

Pending applications, if any, stand disposed of.

.....J
(A.M. KHANWILKAR)

.....J
(KRISHNA MURARI)

New Delhi
May 03, 2021

ITEM NO.19 Court 4 (Video Conferencing) SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 3107/2021

(Arising out of impugned final judgment and order dated 11-02-2021 in IA No. 65/2021 passed by the High Court Of Judicature At Bombay)

NEETA NAGESH KULKARNI

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

(FOR ADMISSION and I.R. and IA No.52275/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.52278/2021-EXEMPTION FROM FILING O.T.)

Date : 03-05-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s)

Mr. Basant R., Sr. Adv.

Mr. Aashish Satpute, Adv.

Mr. Anand Dilip Landge, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)

COURT MASTER (SH)

(VIDYA NEGI)

COURT MASTER (NSH)

[Signed order is placed on the file]