

**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.487 OF 2020  
(@ out of SLP (CrI.) No(s). 2481/2020**

**BINDU PANDEY**

**Appellant(s)**

**VERSUS**

**THE STATE OF MADHYA PRADESH**

**Respondent(s)**

**O R D E R**

**Leave granted.**

**Heard learned counsel for the parties.**

**This appeal challenges the judgment and order dated 26.02.2020 passed by the High Court of Madhya Pradesh at Jabalpur in Criminal Appeal No.3765 of 2019 preferred by the appellant.**

**The appellant-original accused No.3 was convicted by the Sessions Judge at Singrauli, Baidhan, M.P. vide judgment dated 15.04.2019 in Sessions Case No.211/2015 for offences punishable under Sections 304B and 498A IPC and was sentenced to undergo substantive sentence of rigorous imprisonment for seven years and**

three years respectively alongwith imposition of fine and sentence in default. The appellant being aggrieved filed Criminal Appeal No. 3765 of 2019 in the High Court and prayed for benefit under Section 389 Cr.P.C. during the pendency of the appeal.

The application having been rejected, the present appeal has been preferred.

The order passed by the High Court indicates that the appellant has three children studying in school and that there is nobody to take care of their education.

In view of the circumstances on record including the fact that the appellant has undergone actual sentence of more than one year and six months, she is entitled to the benefit under Section 389 Cr.P.C.

Though Mr. Arjun Garg, learned advocate appearing for the State vehemently opposed grant of any relief to the appellant, in our view, the case for bail is made out.

We order accordingly and direct that the appellant shall be released on bail on such conditions as the Trial Court may deem appropriate.

With the aforesaid directions, the appeal stands allowed.  
Pending applications, if any, shall also stand disposed of.

.....J.  
(UDAY UMESH LALIT)

.....J.  
(VINEET SARAN)

New Delhi,  
July 22, 2020.

