



Diksha Rane

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.282/2024
WITH
INTERIM APPLICATION NO.1077/2024
WITH
INTERIM APPLICATION NO.1075/2024
IN
CRIMINAL APPEAL NO.282/2024**

VIKAS HARISHANKAR GIRI ..APPELLANT
VS
STATE OF MAHARASHTRA ..RESPONDENT

Adv. K. H. Giri a/w. Adv. Pratik Yadav and Adv. Gaurav Borse
for the applicant/appellant.
Mr. B. B. Kulkarni, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : MARCH 18, 2024.

P.C. :

1. Learned counsel for the appellant/applicant seeks leave to implead the legal heir of the victim as a party respondent no.2.
2. Amendment to be carried out within a period of four weeks from today.

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3. Admit.

4. Call for record and proceeding.

5. Learned APP waives service on behalf of the State.

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6. Heard learned counsel for the applicant and learned APP for the State.

7. These are the applications for suspension of sentence and bail. The sentence awarded for the offence punishable under Section 304 Part II of the Indian Penal Code by the trial Court is three years rigorous imprisonment and to pay fine of Rs.10,000/- each, in default to suffer simple imprisonment of one month. The fine amount has been paid.

8. Learned APP opposed the applications for suspension of sentence and bail. Learned APP submitted that for the cogent reasons and after appreciation of the evidence on record, the trial Court has convicted the applicant.

9. With the assistance of learned counsel for the applicant, I have perused the judgment and order of the trial Court and the materials on record. The applicant was in pre-

trial custody for a period of one month. The applicant was on bail during the trial. There is nothing on record to indicate that the applicants had misused his liberty while on bail. Considering the duration of sentence and as the appeal is unlikely to be heard in near future, I am inclined to suspend the sentence and to enlarge the applicant on bail.

10. The sentence is suspended. The applicant be enlarged on same bail as before the trial Court but with fresh bonds.

11. The applicant shall report to the trial Court once in a year, on first Monday of the concerned month, between 11.00 a.m. to 1.00 p.m., commencing April, 2024.

12. The applications are disposed of.

(M. S. KARNIK, J.)