



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

**CRIMINAL APPEAL NO.263 OF 2024
WITH
INTERIM APPLICATION NO.1043 OF 2024**

MANISHKUMAR SHAMKUMAR
BHARDWAJ @ SHARMA AND ANR...APPELLANTS/APPLICANTS
VS
STATE OF MAHARASHTRA ..RESPONDENT

Ms.Mallika Ingale, for the appellants/applicants.
Mr. S.V.Walve, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : MARCH 19, 2024

P.C. :

1. Learned counsel for the appellants/applicants 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.

CRIMINAL APPEAL NO.263 OF 2024

3. Admit.
4. Call for record and proceeding.

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

INTERIM APPLICATION NO.1043 OF 2024 IN CRIMINAL APPEAL NO.263 OF 2024

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

7. This an application 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/-, in default to suffer simple imprisonment of one month. The fine amount has been paid.

8. Learned APP opposed the application 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 applicants.

9. With the assistance of learned counsel for the applicants, I have perused the judgment and order of the trial Court and the materials on record. The applicants were in pre-trial custody for a period of one month. The applicants were on bail during the trial. There is nothing on record to indicate that the applicants had misused their

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 applicants on bail.

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

11. The applicants 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 application is disposed of.

(M. S. KARNIK, J.)