

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

**INTERIM APPLICATION NO.3589 OF 2024
IN
CRIMINAL APPEAL NO.972 OF 2024**

Manish Ukabhai Bamniya Applicant

versus

State of Maharashtra Respondent

.....

- Ms. Akshata Desai a/w Siddharth Gharat i/b. Nitin Sejpal,
Advocate for Applicant.
- Mr. Vinit A. Kulkarni, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 04th SEPTEMBER, 2024**

P.C. :

1. The Applicant was the original accused No.2 in Sessions Case No.368 of 2012 before the Additional Sessions Judge, Greater Mumbai. The learned Judge vide the Judgment and Order dated 30/07/2024 convicted the Applicant for commission of offence punishable u/s 324 of the Indian Penal Code and sentenced him to suffer rigorous imprisonment for 2 years and 6 months and to pay a fine of Rs.2,000/- and in

default of payment of fine to suffer rigorous imprisonment for 3 months. The Applicant was acquitted from the charges of commission of offence punishable u/s 307 of the IPC. His father was the original accused No.1. He was acquitted from all the charges.

2. Heard Ms. Akshata Desai, learned counsel for the Applicant and Mr. Vinit A. Kulkarni, learned APP for the State.
3. Learned counsel for the Applicant submitted that there were three injured as per the prosecution case. They are P.W.1, P.W.3 and P.W.6. Out of the them, P.W.6 has not supported the prosecution case, who had suffered the major injuries. Thus, there is serious doubt on the entire prosecution case and particularly in respect of the evidence of P.W.1 and P.W.3. The other accused is acquitted. It is an additional circumstance in favour of the Applicant. She submitted that out of the sentence of 2 years and 6 months, the Applicant has already suffered 6 months of imprisonment during investigation. The Appeal is not

likely to be decided within the balance period of his sentence. The Applicant has no other antecedents. The incident is from the year 2012 and since then, there are no other offences registered against him. There are no allegations against him. He was on bail during trial.

4. Learned APP submitted that the injuries suffered by P.W.6 are serious and even the P.W.1 had suffered injury on the neck. However, he could not oppose the submissions that the sentence is short and that the Applicant has not misused the liberty while he was on bail.

5. I have considered these submissions. The incident is from the year 2012. The Applicant was on bail. He has not misused that liberty. The sentence is short. The points raised by the learned counsel for the Applicant will have to be seriously considered at the final hearing stage. However, considering the above discussion, the Applicant can be granted bail during pendency of his Appeal.

6. Hence, the following order :

ORDER

- (i) During the pendency and final disposal of the Criminal Appeal No.972 of 2024, the Applicant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only), with one or two sureties in the like amount.
- (ii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)