

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD.

904 CRIMINAL APPLICATION NO. 3940 OF 2025  
IN APEAL/781/2025

Pundlik S/o Vishwambar Bharkad

VERSUS

The State Of Maharashtra

...

Mr. Santosh C. Bhosle - Advocate for Appellant

Mr. M. K. Goyanka - APP for State

...

CORAM : NEERAJ P DHOTE, J.

DATED : 16<sup>TH</sup> OCTOBER, 2025

PER COURT : -

1. This is an Application for Suspension of Substantive Sentence imposed by the learned Sessions Judge, Bhokar, District Nanded, in Sessions Case No. 60 of 2019, convicting the Applicant for the offence punishable under Section 304 Part II of the Indian Penal Code and sentencing him to suffer rigorous imprisonment for ten years and fine of Rs. 5,000/-, in default to suffer rigorous imprisonment for six (6) months.

2. Heard the learned Advocate for the Applicant and the learned APP for the State. Perused the copies of evidence and the impugned Judgment and Order.

3. The relevant observation from the impugned Judgment and Order reads as under : -

*“30] Finally, it is held that the accused Pundalik stabbed deceased Rameshwar Bharkad with sword. The question crept in mind for which offence, the accused Pundalik shall be held guilty. There was no repeated blows of knife from the side of accused Pundalik. He gave a single blow on the vital part of the body as per evidence. He has not behaved in cruel and unusual manner after stabbing the Rameshwar. There was free fight between two groups and the accused Pundalik appears to have acted without premeditation and therefore, the requisite intention to commit the murder of Rameshwar is lacking from the evidence and the accused Pundalik is held guilty of the offence punishable under Section 304 Part II of the IPC.”*

4. The sentence awarded to the Applicant is that of ten (10) years rigorous imprisonment with fine. The Applicant is behind the bars since 11.06.2019 and till date, he has undergone the imprisonment for six (6) years and four (4) months i.e. more than half of the sentence awarded. The Appeal is recently admitted and the R&P with Paper-book are not yet received and, therefore, the Appeal will not come up for final hearing in the near future. Hence, I proceed to pass the following order : -

#### **ORDER**

- [i] The Application is allowed.
- [ii] The sentence imposed upon the Applicant by the learned Sessions Judge, Bhokar, District Nanded, in Sessions Case No. 60 of 2019, is hereby suspended till the final decision of the Appeal. In the meantime, the Applicant be released on bail on his furnishing personal bond of Rs.15,000/-, with one surety in the like amount.
- [iii] The Applicant shall not tamper with the prosecution evidence.

- [iv] The Applicant shall not change his place of residence without intimation to this Court.
- [v] The Applicant shall cooperate in early disposal of the Appeal.
- [vi] Bail before the Trial Court.
- [vii] Application stands disposed off.

**[NEERAJ P. DHOTE]**  
**JUDGE**

SG Punde