

(2026) 01 MP CK 1667

In the Madhya Pradesh High Court, Jabalpur Bench

Case No : Criminal Appeal No. 32 Of 2019

Ajju @ Ajay Barman And Others

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 05-01-2026

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)
Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 430(1)

Citation : (2026) 01 MP CK 1667

Hon'ble Judges : Vivek Agarwal, J; Ratnesh Chandra Singh Bisen, J

Bench : Division Bench

Advocate : Vikesh Pratap Singh, Manas Mani Verma

Judgement

At the outset, Shri Vikesh Pratap Singh, learned counsel for the appellants prays for withdrawal of I.A. No.10374/2025, which is the Fourth application under Section 389(1) of the Cr.P.C./Section 430(1) of the Bhartiya Nagrik Suraksha Sanhita, 2023 for suspension of sentence and grant of bail to appellant No.2 Rinku Barman S/o Shri Naresh @ Kunji Lal Barman.

Accordingly, I.A. No.10374/2025 is dismissed as withdrawn. Heard on I.A. No.10367/2025, which is the first application under

Section 389(1) of the Cr.P.C./Section 430(1) of the Bhartiya Nagrik Suraksha Sanhita, 2023 for suspension of sentence and grant of bail to appellant No.1 Ajju @ Ajay Barman S/o Shri Naresh @ Kunji Lal Barman.

The appellant No.1 is aggrieved of the judgment dated 29.10.2018 passed by the learned Special Judge, Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, Katni (M.P.) in Special case No.39/2017, whereby the appellant No.1 stands convicted and sentenced as under:-

Conviction

Sentence

Section

Act

Imprisonment

Fine

Imprisonment in lieu of fine

302/34

I.P.C.

R.I. for life

Rs.2,000/-

R.I. for 8 months

452

I.P.C.

R.I. for 2 years

Rs.500/-

R.I. for 2 months

3(2)(v)

SC/ST Act

R.I. for life

Rs.2,000/-

R.I. for 8 months

Shri Vikesh Pratap Singh, learned counsel for the appellants submits that there are general and omnibus allegations against the appellant No.1. PW-17 Dr. Rajesh Kumar Kewat, who had conducted the postmortem on the body of deceased Jagat at Community Health Center, Umariya Pan, stated that during postmortem he had found that there was a deep cut injury from one end of the head below ear to another end of the head in horizontal, as a result of which there were fractures of the bones beneath them, namely, fracture of right and left maxillary bone, jaw was fractured from top to bottom. There was a fracture of nasal bone. Length of the injury was 3½ inch x 1 cm. x 2 inch deep. There was an injury on head measuring 1½ x 1½ cm. Cause of death was obstruction in breathing on account of the injury on the face. In cross-examination, this doctor admitted that when postmortem was conducted, no weapon of assault was presented by the police. He further admitted that there were no blood stains on the Fawda. Thus, it is submitted that since one injury which was caused on

the face, turned out to be fatal, resulting in multiple fractures and that is attributed to co-accused Rinku and there are general and omnibus allegations made by PW-1 Pan Bai against the present appellant. It is also submitted that there are good chances of success in this appeal. Hence, prayer is made to suspend the remaining jail sentence of the appellant No.1 and to release him on bail.

Shri Manas Mani Verma, learned Public Prosecutor for the respondent-State, in his turn, opposes the prayer for suspension of sentence and grant of bail.

After hearing learned counsel for the parties and going through the record, so also looking to the fact that the appeal will take considerable time for its disposal, without commenting on the merits of the case, we are of the considered opinion that this is a fit case to suspend the remaining jail sentence of the appellant No.1 and to release him on bail. I.A.No.10367/2025 is accordingly allowed.

It is directed that on depositing the fine amount, if not already deposited and on furnishing a personal bond to the tune of Rs.50,000/-(Rupees Fifty Thousand Only) with two solvent sureties each in the like amount to the satisfaction of the trial court for his appearance before the trial Court on 09.03.2026 and on such other dates as may be fixed by the trial Court, which shall not be more than two times in a year, the execution of remaining part of the jail sentence imposed upon appellant No.1 Ajju @ Ajay Barman shall remain suspended and he shall be released on bail till final disposal of this appeal.

I.A.No.10367/2025 is allowed & disposed of.

List the case for final hearing in Part-B of the cause list as per its turn and seniority.

Certified copy as per rules.