
(2023) 09 MP CK 0024

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 11369 Of 2023

Bhagwan Singh And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 06-09-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)
Indian Penal Code, 1860 — Section 129, 147, 325

Citation : (2023) 09 MP CK 0024

Hon'ble Judges : Sunita Yadav, J

Bench : Single Bench

Advocate : Sankalp Sharma, Prabhat Pateriya

Judgement

Sunita Yadav, J

Heard on I.A. No. 16451 of 2023, which is first application under Section 389(1) Cr.P.C. for suspension of sentence and grant of bail filed by the appellants with an alternative prayer for grant of temporary bail as record has not been received..

This Criminal Appeal assails the judgment dated 12.08.2023 passed by learned Ist Additional Sessions Judge Dabra, District Gwalior in Special Session Trial No.72/2017, whereby appellants have been convicted under Sections 147 of IPC and has been sentenced to undergo rigorous imprisonment of 1 year and Section 325/129 of the I.P.C. and has been sentenced to undergo R.I. of 3 years with fine of Rs.3000/- with default stipulations.

Learned counsel for the appellants submits that the trial Court has wrongly been convicted the appellants without proper appreciation of facts of the case as well as evidence available on record. It is further argued that the cross case was also registered against the complainant party on report of accused party in which this appellant- Bhagwan Singh has received almost 14 injuries including fracture. In this case, as alleged Hemant sustained greivous injury on his little finger. In this respect treating doctor has opined that the injury may be caused due to fall. The

appellants were on bail during trial and have not misused the liberty so granted. The appeal is likely to take long time to conclude. Hence, he prayed to suspend the jail sentence and grant of bail to appellant.

Counsel for the State vehemently opposed the application and prayed for its rejection.

Heard learned counsel for the parties and perused the materials available on record.

Considering the arguments advanced by learned counsel for the parties, without commenting on merits of the case, I.A. No. 16451 of 2023 is hereby allowed, subject to depositing of fine amount, if not already deposited, and on furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety each of the like amount to the satisfaction of the concerned trial Court, the remaining jail sentence of the appellants shall remain temporarily suspended and they be released on bail till 21.09.2023.

List the case on 21.09.2023.

Meanwhile, Registry is directed to call the record of the Court below.

A copy of this order be sent to the concerned Court below for compliance.

Certified copy/ e-copy as per rules/directions.