

(2022) 07 MP CK 0059

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 6138 Of 2022

Gudai @ Churaman And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 22-07-2022

Acts Referred:

Indian Penal Code, 1860 — Section 148, 149, 324

Citation : (2022) 07 MP CK 0059

Hon'ble Judges : Anjuli Palo, J

Bench : Single Bench

Advocate : Shailendra Singh Thakur, C.M.Tiwari

Judgement

Anjuli Palo, J

Heard on I.A. No.13420/2022, which is first application filed on behalf of the appellants for suspension of sentence and grant of bail.

The appellants have been convicted by the trial Court under Sections 148 of IPC and sentenced to undergo R.I. for 01 year with fine of Rs.1000/- each; under Section 324/149 (two counts) of IPC and sentenced to undergo R.I for 1-1 year with fine of Rs.2000-2000/- each, with default stipulations.

Learned counsel for the appellants has submitted that the maximum sentence awarded to the appellants is one year. The jail sentence of the appellants are suspended till 30.07.2022 by the Trial Court itself. Disposal of this appeal would take considerable time, therefore, the custodial sentence of the appellants may be suspended and they may be released on bail.

Learned Government Advocate has opposed the prayer for bail. Although record is not available, however, looking to the nature of offence, period of jail sentence awarded to the appellants, without commencing on the merits of the case, I deem it to be a fit case to suspend the custodial sentence of the appellants and to release them on bail, therefore, these application are allowed.

I t is directed that subject to depositing the fine amount, if not already deposited and on furnishing a personal bond in a sum of Rs.40,000/- (Rupees Forty Thousand only) each with one surety in the like amount to the satisfaction of the trial Court concerned, the custodial sentence of appellants- Gudai @ Churaman, Bhagirath, Murari, Kamal and Awdesb shall remain suspended and they shall be released on bail for securing their presence before the trial Court concerned on 15.12.2022 and on such other dates as may be fixed in this regard during pendency of this appeal.

The appellants shall regularly appear before the Registry of this Court, on each and every date, without fail.

Record of the Courts below be requisitioned.

List this matter for admission after four weeks.

Certified copy as per rules.