

(2023) 12 MP CK 0096

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 15822 Of 2023

Himanshu Yadav And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 22-12-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)

Citation : (2023) 12 MP CK 0096

Hon'ble Judges : Roopesh Chandra Varshney, J

Bench : Single Bench

Advocate : Ashutosh Tiwari, Shanti Tiwari

Judgement

Roopesh Chandra Varshney, J

Heard on admission.

Admit.

Let record of the Court below be requisitioned.

Also heard on I.A.No.29877/2023, which is an application under Section 389(1) of Cr.P.C. for suspension of sentence and grant of bail moved on behalf of appellants.

Appellants have been convicted and sentenced as mentioned in the impugned judgment dated 13/12/2023 passed by XV Additional Sessions Judge, Jabalpur in ST No.09/2017.

Learned counsel for the appellants submitted that the trial Court has already suspended the jail sentence of the appellants till 11/01/2024. Appellants have good case on merit and hope to succeed in the appeal, hence he has prayed for suspension of jail sentence and release of the appellants on bail till the final disposal of the appeal.

On the other hand, learned counsel for the respondent/State has opposed the

prayer and prayed for dismissal of the above application.

Looking to the facts and circumstances of the case, contention of learned counsel for the appellants and the fact that the trial Court has already suspended the jail sentence of the appellants till 11/01/2024 and according to listing policy the hearing of this appeal will take time, the application is allowed and it is directed that the execution of the remaining jail sentence passed against appellants shall remain suspended during the pendency of this appeal and they be released on bail subject to depositing fine amount, if not already deposited and upon their furnishing personal bond in the sum of Rs.50,000/- (Rs. Fifty Thousand only) each with one surety each in like amount to the satisfaction of the trial Court for their appearance before the trial Court on 15/02/2024 and on such further dates as may be fixed by trial Court in this regard during the pendency of this appeal.

List the matter for final hearing in due course along with the record.