

(2023) 07 MP CK 0036
In the Madhya Pradesh High Court
Case No : Criminal Appeal No.8627 Of 2023

Khalil Ur Rehman And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 07-07-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)
Indian Penal Code, 1860 — Section 120B, 420, 468

Citation : (2023) 07 MP CK 0036

Hon'ble Judges : Dinesh Kumar Paliwal, J

Bench : Single Bench

Advocate : Rajendra Raghuvanshi, Geeta Yadav

Judgement

Dinesh Kumar Paliwal, J

Call for trial Court record.

Heard on I.A.No.16029/2023, an application under Section 389(1) of Cr.P.C. for suspension of jail sentence and grant of bail to the appellants pending the appeal.

The appellants have been convicted for commission of offence under Sections 420 (on 2 counts), 468 (on 2 counts) and 120B of IPC and have been sentenced to R.I. for 03 years for each offence and fine of Rs.5000/- for each offence on each counts with default stipulations, by the learned 3rd Additional Sessions Judge, Bhopal vide judgment dated 21.6.2023 passed in S.T. No.599/2008 (State of M.P. Vs. Ganesh Kumar Iyer and others).

Learned counsel for the appellants has submitted that appellants have been released on bail till 20.7.2023 by the trial Court itself. During trial, they were on bail and they have not misused the liberty granted to them b y way of bail. Learned counsel further submitted that they have fair chances to succeed in appeal. There is no possibility of coming of this appeal for hearing in near future. Therefore, if the jail sentence is not suspended, the purpose of filing this appeal would become futile.

On the other hand, learned counsel for the respondent/State has opposed the prayer for grant of bail to the appellants.

Considering the short nature of sentence and contention of learned counsel for the appellants, I deem it proper to suspend the remaining jail sentence of the appellants because final hearing of this appeal is not possible in near future.

Consequently, I.A.No.16029/2023 is allowed. The execution of jail sentence of appellants is hereby suspended subject to depositing the fine amount, if not already deposited. It is directed that the appellants - Khalil Ur Rehman and Rajkumar Rai be released on bail on their furnishing a personal bond to a sum of Rs.50,000/- (Rupees Fifty thousand only) each with one solvent surety each of the like amount to the satisfaction of the trial Court with a further direction to appear before the trial Court on 5.9.2023 and also on such other dates, as may be fixed by that Court in this regard during the pendency of this appeal.

List the case for admission immediately after receipt of record.