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**(2020) 10 MP CK 0173**  
**In the Madhya Pradesh High Court**  
**Case No : Criminal Appeal No. 393 Of 2020**

Munna Sahu @ Munnalal Sahu

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

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**Date of Decision :** 16-10-2020

**Acts Referred:**

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

Indian Penal Code, 1860 — Section 354

Protection Of Children From Sexual Offences Act, 2012 — Section 9(N), 10

**Citation :** (2020) 10 MP CK 0173

**Hon'ble Judges :** Vijay Kumar Shukla, J

**Bench :** Single Bench

**Advocate :** S.P. Pandey, Pranjal Diwaker, S.K. Patel

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## Judgement

Vijay Kumar Shukla, J

On account of prevailing conditions worldwide, brought about by the COVID-19 virus, heard through video conferencing in order to maintain social distancing. The necessary parties have effectively been represented through their respective counsel via video conferencing.

This is an admitted appeal.

Heard on I.A. No.3663/2020, which is an application under Section 389(1) of the Cr.P.C. for suspension of sentence and grant of bail to the appellant.

The appellant has been convicted under Section 354 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 5 years and fine of Rs.100/- and under Sections 9(N)/10 of the Protection of Children from Sexual Offence Act, 2012 rigorous imprisonment for 5 years and fine Rs.100/- , in default of payment of fine amount to suffer further rigorous imprisonment for 2 days on each count.

Learned counsel for the appellant submits that the appellant is in jail since

11-4-2019 and he has already undergone about 1 ½ year, out of total sentence of 5 years. He submits that the fine amount has already been deposited and hearing of the appeal is likely to take long time.

The learned counsel for the objector has no objection for suspension of sentence and grant of bail to the appellant.

Considering the aforesaid submissions and taking into consideration the custodial period of the appellant and the fact that he has already undergone substantial jail sentence, I am of the view that the appellant is entitled for suspension of sentence and grant of bail.

Accordingly, it is directed that if the appellant, namely, Munna Sahu @ Munnalal Sahu furnishes surety in the sum of Rs. 30,000/- (Rs. Thirty Thousand only) and executes a personal bond in the like amount to the satisfaction of the concerned trial Court, he shall be enlarged on bail and the execution of the sentence of imprisonment passed against him shall remain suspended.

The appellant shall appear before the Registry of this Court on 11-01-2020, and on such other dates as may be fixed by the Registry in this regard.

The I.A. No.3663/2020 is accordingly allowed.

The prison authorities are also requested to ensure compliance with the order passed by the Supreme Court IN RE : CONTAGION OF COVID 19 VIRUS IN PRISONS in SUO MOTU - W.P. (C)

No.1/2020 and ensure that the appellant is examined by the jail doctor before his release.

If the appellant shows symptoms of COVID-19, the doctor shall forthwith direct him to be produced before the appropriate hospital designated for the detection and treatment of COVID-19 patients. If the doctor is of the opinion that the appellant is not affected with the virus, the jail authorities shall ensure his transportation from the jail till his place of residence.

A typed copy of this order is being forwarded to the Office of the Advocate General and to Shri Pranjal Diwaker, learned Panel Lawyer, on their respective e-mail addresses. The Office is requested to forward a copy of this order to the learned Court below.

List the matter for final hearing in due course.

C.c. as per rules.