

(2024) 04 MP CK 0165

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 5026 Of 2024

Praveen Bagri And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 24-04-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)
Indian Penal Code, 1860 — Section 34, 323, 325, 341

Citation : (2024) 04 MP CK 0165

Hon'ble Judges : Dinesh Kumar Paliwal, J

Bench : Single Bench

Advocate : Ravi Prakash Dwivedi, Anuj Singh

Judgement

Dinesh Kumar Paliwal, J

Call for the trial Court record.

Heard o n I.A. No.9773/2024, an application under Section 389(1) of Cr.P.C. for suspension of sentence and grant of bail to appellants.

Appellants have been convicted for commission of offence under Sections 325/34 of IPC and have been sentenced to S.I. for 03-03 months and fine of Rs.5000/- each with default stipulation; under Section 323/34 of IPC and have been sentenced to S.I. for 15 days and fine of Rs.500/- each with default stipulation and under Section 341 of IPC and sentenced with fine of Rs.500/- each vide judgment dated 08.4.2024 delivered by 1st Additional Sessions Judge, Nagod, District Satna (M.P.), in S.T. No.376/2021 (State of M.P. Vs. Praveen Bagri and others).

Learned counsel for the appellants has submitted that appellants have not committed any offence. They have been erroneously convicted by the trial Court. It is submitted that in the course of trial appellants were on bail. They have not misused the liberty granted by way of bail during trial. Even after conviction and passing of order of jail sentence, learned trial Court itself had suspended the jail

sentence of the appellants till 8.5.2024. The appellants have fair chance to succeed in the appeal. It is further submitted that a short sentence has been awarded by the trial Court and there is no possibility of hearing of this appeal in near future. Therefore, if the execution of jail sentence of appellants is not suspended, the purpose of filing this appeal would become futile. Therefore, it has been prayed that the execution of jail sentence of appellants be suspended and they be released on bail.

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

Having considered the short nature of sentence and the fact that there is no possibility of hearing of this appeal in near future, I am inclined to suspend the remaining jail sentence of the appellants.

Consequently, I.A. No.9733/2024 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 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 4.10.2024 and also on such other dates, as may be fixed by that Court in this regard during the pendency of this appeal.

List this case for admission after receipt of trial Court record.

Certified copy as per rules.