
(2023) 04 MP CK 0106
In the Madhya Pradesh High Court
Case No : Criminal Appeal No. 5572 Of 2023

Rahul Kahar

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 25-04-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)
Indian Penal Code, 1860 — Section 354

Citation : (2023) 04 MP CK 0106

Hon'ble Judges : Dinesh Kumar Paliwal, J

Bench : Single Bench

Advocate : Sourabh Bhushan Shrivastava, Dileep Shrivastava

Final Decision : Allowed

Judgement

Dinesh Kumar Paliwal, J

Heard on I.A.No.8819/2023, an application under Section 389(1) of Cr.P.C. for suspension of jail sentence and grant of bail to the appellant pending the appeal.

The appellant has been convicted for commission of offence under Section 354 of IPC and has been sentenced to R.I. for 01 year, and fine of Rs.1000/- with default stipulations by the learned Special Judge, POCSO Act, Raisen (M.P.) vide judgment dated 21.3.2023 passed in S.C.No.45/2021 (State of M.P. Vs. Rahul Kahar).

Learned counsel for the appellant has submitted that appellant has been released on bail till 19.5.2023 by the trial Court itself. During trial, he was on bail and he has not misused the liberty granted to him by way of bail. Learned counsel further submitted that he has 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 appellant.

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

Consequently, I.A.No.8819/2023 is allowed. The execution of jail sentence of appellant - Rahul Kahar is hereby suspended subject to depositing the fine amount, if not already deposited. It is directed that the appellant be released on bail on his furnishing a personal bond to a sum of Rs.50,000/- (Rupees Fifty thousand only) with one solvent surety of the like amount to the satisfaction of the trial Court with a further direction to appear before the trial Court on 25.07.2023 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.

Certified copy as per rules.