
(2020) 11 MP CK 0143

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 4715 Of 2019

Rajesh @ Rajju @ Mulle

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 26-11-2020

Acts Referred:

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

Indian Penal Code, 1860 — Section 354, 354A, 451

Protection Of Children From Sexual Offences Act, 2012 — Section 7, 8

Citation : (2020) 11 MP CK 0143

Hon'ble Judges : Vishnu Pratap Singh Chauhan, J

Bench : Single Bench

Advocate : G.P. Patel, Manoj Kumar Singh

Judgement

Vishnu Pratap Singh Chauhan, J

Heard on the point of admission.

After perusal of the statement of the witnesses, this appeal is having an arguable point, hence, it is admitted for final hearing.

Also heard on I.A. No.10419/2019, first application filed under Section 389(1) of Cr.P.C. for suspension of sentence and grant of bail to the appellant.

The appellant stands convicted for offence punishable under Section 451 of IPC and sentenced to undergo RI for 2 years along with fine of Rs.500/-

with default stipulation, under Section 354 of IPC and sentenced to undergo RI for 3 years along with fine of Rs.1,000/- with default stipulation and

under Section 354-A of IPC r/w Section 7/8 of POCSO Act and sentenced to undergo RI for 3 years along with fine of Rs.1,000/- with default

stipulation.

Learned counsel for the appellant submits that the appellant is in judicial custody

since 09.10.2018, he had already undergone more than 2 years in judicial custody. This appeal will take considerable time for its final adjudication, therefore, prays for suspension of jail sentence and grant of bail to the appellant.

On the other hand, learned Panel Lawyer for the respondent/ State vehemently opposes the application.

Having heard learned counsel for the parties and perused the record.

Appellant had already undergone more than half period of substantial

It is directed that on depositing the fine amount, if not already deposited, and on furnishing a personal bond in the sum of Rs.50,000/- (Rs. Fifty

thousand only) with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court on 07.01.2021

and all other subsequent dates, as may be fixed by the trial Court in this regard, remaining part of the substantive jail sentence imposed upon the

appellant-Rajesh @ Rajju @ Mulle shall stand suspended and he shall be released on bail.

It is further directed that if the appellant is found indulged in any criminal activity during suspension of his jail sentence, the bail granted in this case shall stand cancelled.

List this appeal for final hearing in due course.

Certified copy as per rules.