

**(2023) 05 MP CK 0047**

**In the Madhya Pradesh High Court**

**Case No : Criminal Appeal No. 6549 Of 2023**

Rajjak Khan And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

**Date of Decision : 12-05-2023**

**Acts Referred:**

Indian Penal Code, 1860 — Section 34, 323, 326

**Citation : (2023) 05 MP CK 0047**

**Hon'ble Judges : Satyendra Kumar Singh, J**

**Bench : Single Bench**

**Advocate : B.S. Gaur, Sohit Mishra**

## **Judgement**

Satyendra Kumar Singh, J

Heard on I.A.No.8726/2023, which is first application for suspension of sentence and grant of bail moved on behalf of appellant No.1 - Rajjak Khan and appellant No.2 - Bare Khan.

The Trial Court has convicted the appellants under Section 323 of IPC and sentenced to undergo three months' RI with fine of Rs.500/-, under Section 326/34 of IPC and sentenced to undergo three years' RI with fine of Rs.10,000/-, with default stipulation, vide judgment of conviction and order of sentence dated 11.04.2023 passed by Second Additional Sessions Judge, District Bhind in S.T.No.56/2017.

Learned counsel for the appellants submits that the Trial Court has not properly appreciated the evidence available on record. The appellants were on bail during trial and they have not misused the liberty granted to them. Learned Trial Court has committed error in holding the appellants guilty for the aforesaid offences. The Trial Court has already suspended his sentence till 24.05.2023. There is no likelihood of hearing of appeal in near future. In view of aforesaid, learned counsel for the appellants prays for suspension of remaining jail sentence and grant of the bail to the appellants.

Learned counsel for the respondent/State has opposed the prayer.

Heard learned counsel for both the parties.

Having considered the rival submissions and looking to the facts that the appellants were on bail during trial and they did not misuse the liberty granted to them and the Trial Court has already suspended their sentence till 24.05.2023 and conclusion of the trial will take time, but without expressing any opinion on merits of the case, the application is allowed and jail sentence of the appellants shall remain suspended.

I t is directed that subject to depositing the fine amount, if already not deposited, they shall be released on bail on furnishing personal bond in the sum o f Rs.50,000/- (Rupees Fifty Thousand Only) each along with separate solvent surety in the like amount each to the satisfaction of Trial Court, for their appearance before the Registry of this Court firstly on 28.06.2023, and on such other dates, as may be fixed by the Registry in this regard, till final disposal of this appeal.

I.A.is allowed.

C.C. as per rules.