
(2020) 11 MP CK 0140
In the Madhya Pradesh High Court
Case No : Criminal Appeal No. 8829 Of 2018

Tofiq @ Bhura

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 26-11-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)
Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8, 20(II)(C)

Citation : (2020) 11 MP CK 0140

Hon'ble Judges : J. P. Gupta, J

Bench : Single Bench

Advocate : Manoj Mishra, Pradeep Dwivedi

Final Decision : Dismissed

Judgement

J. P. Gupta, J

Heard on I.A.No.11112/2020 which is a second temporary bail application filed by the appellant under section 389 (1) of Cr.P.C. for

suspension of his jail sentence dated 10.8.2018 awarded by the Court of Additional Special Judge, Bhopal district Bhopal in Special case

No.9600006/2017 convicting him under Section 8/20(II)(C) of NDPS Act and sentenced to RI for 10 years along with fine of Rs.1,00,000/- with

default stipulation as mentioned in the impugned judgment.

Learned counsel for the appellant submitted that appellant is in custody since last 4 years. At present his mother is ill and is suffering from acute

migraine and thyroid problem. Therefore, he should be granted the benefit of temporary bail to provide proper treatment to his mother.

Learned Panel Lawyer has opposed the application and prayed for its rejection stating that looking to the nature of offence and period of sentence, the

appellant cannot be released on temporary bail. There is a reasonable possibility that if he is released on temporary bail, he may flee away. Apart from it, the cause shown for temporary bail is not relevant and if such kind of prayer is accepted then nobody will remain in jail and it will be a misuse of provisions.

Having considered the contentions of the learned counsel for the parties and on perusal of the record, in view of this Court, the ground mentioned for suspension of execution of sentence temporarily is not a relevant ground to allow the application. Hence, the application is rejected.

List for final hearing in due course.