

Mohan vs The State Of Madhya Pradesh on 22 November, 2024

Author: Vivek Rusia

Bench: Vivek Rusia

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
CRA No. 988 of 2016
(MOHAN AND OTHERS Vs THE STATE OF MADHYA PRAD)

Dated : 22-11-2024
Shri Jitendra Sharma, learned counsel for appellants No
Shri Jeevan Singh Gurjar, learned counsel for appellant
Shri Bhuwan Gautam, learned Government Advocate for the
respondent / State.

I.A. No.18671/2024 This is repeated (second) application under Section 430 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for suspension of jail sentence and grant of bail filed on behalf of appellant No.1 - Mohan S/o Madan Singh.

This is repeat (second) application under Section 430 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for suspension of jail sentence and grant of bail filed on behalf of appellant No.2 - Arjun S/o Mohan Singh.

This is repeat (fourth) application under Section 430 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for suspension of jail sentence and grant of bail filed on behalf of appellant No.3 - Bharat Singh S/o Mohan Singh.

The present appellants have been convicted for commission of offence punishable under Sections 148 & 302/149 of the Indian Penal Code and sentenced to undergo 03 years' rigorous imprisonment and Life Imprisonment along with fine of Rs.10,000/- each with default stipulations.

2 CRA-988-2016 Learned counsel for the appellants submit that there are omnibus allegations against all the accused persons that they have caused the injuries by means of sword and axe and in all the weapons, blood was found, therefore, no role can be attributed to the accused persons about causing fatal injuries. It is further submitted that the appellant has undergone more than 10 years of jail incarceration. Even otherwise, this is an appeal of 2016 and could not come up for final hearing till date. Hence, the remaining jail sentence of these appellants may be suspended.

Learned Government Advocate for the respondent / State opposes the application and prays for its rejection.

Taking into consideration the totality of the facts and circumstances of the case so also the fact that the appellant has undergone more than 10 years of the actual jail sentence, we deem it proper to suspend the jail sentence of the appellant in light of the judgment delivered by the Apex Court in the case of Sudan Singh v/s The State of U.P. [SLP (Crl.) No.4633 of 2021] decided on 05.10.2021. Accordingly, I.A. No.18671/2024, 17413/2024 & 17438/2024 stand allowed.

The execution of remaining jail sentence of appellants No.1 to 3 - Mohan, Arjun & Bharat respectively is hereby suspended and it is ordered that these appellants be released on bail upon their furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) each with separate solvent surety of the like amount to the satisfaction of the trial Court and subject to depositing the fine amount (if not already deposited) with a further direction to appear before the Registry of this Court on 05.05.2025 and also 3 CRA-988-2016 on such other dates as may be fixed by the Registry in this regard during the pendency of the appeal.

The present appeal has already been admitted.

List the same for final hearing in due course.

Certified copy, as per Rules.

(VIVEK RUSIA)
JUDGE

(PRAN

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