

Akbar Husain vs The State Of Madhya Pradesh on 7 February, 2024

Author: Prem Narayan Singh

Bench: Prem Narayan Singh

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
CRR No. 539 of 2024
(AKBAR HUSAIN AND OTHERS Vs THE STATE OF MADHYA PRADESH)

Dated : 07-02-2024

Shri Akhilesh Kumar Saxena, learned counsel for the petitioner

Shri H.S. Rathore, learned Government Advocate
respondent/State.

Heard on I.A. No. 2299/2024, which is an application filed under Section 389 of the Code of Criminal Procedure, 1973 on behalf of appellants for suspension of sentence and grant of bail.

2. The appellants have been convicted for offence under Section 3(zz), 26(2)(ii) read with Section 51 & 59(i) of Food Safety and Standards Act, 2006 and sentenced to undergo 6-6 months R.I., with fine of Rs.10,000/- and usual default stipulation.

3. Learned counsel for the appellant submits that the appellants are innocent and have been falsely implicated in the matter. The learned trial Court has erred in not appreciating the fact. The appellant is in custody since 30.01.2024. He further submitted that final hearing of this appeal is likely to take sufficient long time. Under these circumstances, learned counsel prays that the application for suspension of sentence of the appellant be allowed.

4. Learned counsel for the State opposed the prayer and prayed for dismissal of the application for suspension of sentence.

5. Looking to the facts and circumstances of the case, contention of learned counsel for the appellants and without commenting on the merits of the case, the application is allowed.

6. It is directed that subject to depositing the fine amount, if already not deposited, the appellants Akbar Hussain and Mo. Salim shall be released on bail, on furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty thousand only) each with a solvent surety each in the like amount to the satisfaction of trial Court, for his appearance before the Registry of this Court firstly on 22.04.2024 and on such other dates, as may be fixed by the Registry in this regard, till final disposal of this appeal.

7. Let the record of the Courts below be called for. List thereafter.

(PREM NARAYAN SINGH) JUDGE Vindesh