

Raseed Vs. the State of M.P.

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Court : Madhya Pradesh

Decided On : Apr-18-2013

Appellant : Raseed

Respondent : The State of M.P.

Advocate for Pet/Ap. : Shri. V.P.Singh

Judgement :

1 Criminal Appeal No.938/2005 Raseed State of M.P.18.4.2013 Shri V.P.Singh, Counsel for appellant.

Shri Jaideep Singh, Dy.GA for respondent.

I.A.No.1791/2013 under section 389(1) of the Code of Criminal Procedure for suspension of sentence and grant of bail Medical report from the jail has been received, which is perused.

From the perusal of the report, it appears that the appellant is suffering from old ailment of backache.

His Mr.was performed long back.

As there is no facility in the jail for MRI, a CT Scan also could not be done since 26.12.2012.

However, the doctor has opined that the present condition of the appellant is satisfactory.

Learned counsel for appellant submits that appellant is in custody since 11.6.2002.

Earlier he was allowed a temporary bail but he had surrendered on 26.3.2011 immediately after completion of period of temporary bail.

During this period, he had not misused liberty.

It is also submitted by the learned counsel that this appeal is of 2005 and it will take for hearing nearabout 3-4 years as at present, appeals of 2002 are being heard.

It is submitted that the appellant has completed nearabout 11 years in incarceration and on these grounds, it is prayed that the appellant may be released on bail.

Shri Jaideep Singh, learned counsel for State though opposed the prayer, but considering peculiar facts and to the facts that the appellant is suffering from old ailment, earlier he was released on temporary bail for treatment and after completion of period of temporary bail, he had surrendered himself immediately before the trial Court, we find it appropriate to release the appellant on bail by suspending his sentence.

2 Criminal Appeal No.938/2005 Raseed State of M.P.18.4.2013 Accordingly, this application is allowed and the sentence of the appellant is suspended on following terms:- (1) Appellant to furnish a solvent surety of Rs.30,000/- (Rs.Thirty thousand) and a personal bond of the like amount to the satisfaction of the trial Court.

(2) On furnishing aforesaid, the appellant be released on bail by the trial Court.

(3) Appellant shall cause his appearance before the trial Court as may be directed by the trial Court in this regard.

During this period, the appellant shall not indulge himself in any crime, otherwise, respondent/State shall be free to move an application for cancellation of the bail.

With the aforesaid directions, I.A.No.1791/2013 is disposed of finally.

C.C.as per rules.

(Krishn Kumar Lahoti) (Smt.Vimla Jain) Acting Chief Justice Judge C.

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