

Cr. A. No.172/2001

Cr.A. No.439/2001

18.3.2016

Ms Anita Kaithwas, counsel for the appellant No.3 in Cr.A. No.172/2001.

Shri Ajay Kumar Jain, Advocate for the appellants in Cr.A. No.439/2001.

Shri Bramhadatt Singh, Government Advocate for the respondent-State.

I.A.No.4201/2016 (in Cr.A.No.172/2001)– application for suspension of sentence on behalf of **appellant No.3 - Sudheer** and **I.A.No. 4755/2016** (in CRA No.439/2001) – application for suspension of sentence on behalf of **appellant No.1 – Kallu, appellant No.3 – Sanjeev and appellant No.4 – Sunil.**

Heard counsel for the parties.

These are repeat bail applications filed by appellant No.3 – Sudheer in CRA No.172/2001 and appellant No.1 – Kallu, appellant No.3 – Sanjeev and appellant No.4 – Sunil in CRA No.439/2001.

It is not in dispute that the above said applicants/appellants have already undergone more than 16 years of actual imprisonment in connection with the alleged offence. The fact remains that applicants have already undergone substantial period of sentence and are keen on

getting bail and not to undergo further sentence period entitling them for premature release.

Be that as it may, the appeals filed by the applicants are at Serial No.18 under category “**Criminal (Appeal) : Appeal Against Conviction – Life Imprisonment – Others – In Jail(13.ii(III)A)**” in the final hearing list, which will take some time to reach for hearing in the near future.

Considering the fact that the applicants have undergone substantial jail sentence and their conduct in jail has been reported to be good, in the interest of justice, we are inclined to release the applicants namely, **appellant No.3 – Sudheer** in CRA No.172/2001 and **appellant No.1 – Kallu, appellant No.3 – Sanjeev** and **appellant No.4 – Sunil** in CRA No.439/2001 on bail, unless required in any other criminal case by imposing following strict conditions :-

- (1) That, the applicants shall furnish two local solvent sureties or blood relatives in the sum of **Rs.50,000/-** (Rupees Fifty Thousand) and execute a personal bond in the like amount **each** to the satisfaction of the Trial Court.
- (2) The applicants on being released on bail, shall appear before the Registry of this Court on **25th April, 2016** and thereafter once in alternate English calendar month on First Monday, till the disposal of the appeal.
- (3) The applicants will deposit their passports, if

available, else file affidavit in this Court declaring that the applicants do not have any passport of any country. This compliance will be condition precedent for release on bail.

(4) The applicants shall not enter District Hoshangabad, M.P. during the pendency of the appeal, without obtaining prior permission of this Court.

Applications are **allowed** accordingly.

(A. M. Khanwilkar)
Chief Justice

(Alok Aradhe)
Judge

AM.