

(2024) 04 MP CK 0026

Madhya Pradesh High Court (Indore Bench)

Case No: Criminal Appeal No. 4238 Of 2024

Satish Bagwan

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision: April 3, 2024

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 389(1)
- Information Technology Act, 2000 - Section 66C, 66D

Hon'ble Judges: Prakash Chandra Gupta, J

Bench: Single Bench

Advocate: Burhanuddin Azad, Anita Singh

Judgement

Prakash Chandra Gupta, J

1. Heard on I.A. No.5315/2024, which is first application under Section 389(1) of Cr.P.C. for suspension of jail sentence and grant of bail moved on behalf of appellant - Satish Bagwan.

2. Learned trial Court has convicted the appellant under Sections 66 C of I.T.Act and sentenced to undergo one year RI with fine of Rs.3,000/- and under Section 66 D of I.T.Act and sentenced to undergo One year RI with fine of Rs.3,000/- with default stipulations, vide judgment of conviction and order of sentence dated 18.3.2024 passed by the 2nd Addl.Sessions Judge, Shujalpur, District Shajapur in S.T.No.14/2020.

3. Learned counsel for the appellant submits that appellant has not committed any offence and he has falsely been implicated in the case. Learned trial Court has already suspended the jail sentence of the appellant till 18.04.2024. Final disposal of this appeal will take sufficient long time, therefore, it is prayed that the remaining jail sentence of the appellant may be suspended and he be released on bail.

4. Learned counsel for the respondent/State has opposed the prayer and prayed for its rejection.

5. Considering the short term of sentence coupled with the fact that final ahearing of this appeal is not possible in near future, without expressing any opinion on merits of the case, I.A.No.5315/2024 is allowed and jail sentence of the appellant shall remain suspended.

6. It is directed that subject to depositing the fine amount, if already not deposited, appellant - Satish Bagwan shall be released on bail, on furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with a solvent surety in the like amount to the satisfaction of trial Court, for his appearance before the Registry of this Court firstly on 20.05.2024, and on such other dates, as may be fixed by the Registry in this regard, till final disposal of this appeal.

List for admission immediately after receipt of record. Certified copy, as per rules.