

Cr. A. No.2066/2006

Cr.A. No.33/2009

21.3.2016

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Shri Rajendra Gupta, learned counsel for the appellants.

Shri Swapnil Ganguly, Government Advocate for the respondent-State.

I.A.No.5966/2016 – application for suspension of sentence.

Heard counsel for the parties.

This is repeat bail application filed by the appellant No.2 – **Pappu @ Brajlal.**

Inspite of waiting for six months in terms of order dated 02.09.2015 and as the appeal has not reached for hearing, the appellant No.2 has once again moved this application for suspension of sentence.

It is not in dispute that appellant No.2 has already undergone 12 years 2 months and 11 days of actual imprisonment in connection with the alleged offence. The fact remains that applicant has already undergone substantial period of sentence and is keen on getting bail and not to undergo further sentence period entitling him for premature release.

Be that as it may, the appeal filed by the applicant is at Serial No.420 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 applicant has undergone substantial jail sentence and his conduct in jail has been reported to be good during this period, in the interest of justice, we are inclined to release the applicant namely, **Pappu @ Brajlal** on bail, unless required in any other criminal case by imposing following strict conditions :-

(1) That, the applicant 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 to the satisfaction of the Trial Court.

(2) The applicant on being released on bail, shall appear before the Registry of this Court on **28th April, 2016** and thereafter once in alternate English calendar month on First Monday, till the disposal of the appeal.

(3) The applicant will deposit his passport in the Trial Court, if available, else file affidavit before the Trial Court declaring that the applicant does not have any passport of any country. This compliance will be condition precedent for release on bail.

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

Application is **allowed** accordingly.

(A. M. Khanwilkar)
Chief Justice

(Sanjay Yadav)
Judge