

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION



CRIMINAL APPEAL No.579 of 2024
(Arising out of SLP (CRL) No. 1049/2024)

ATUL @ ASHUTOSH

APPELLANT(S)

VERSUS

STATE OF MADHYA PRADESH

RESPONDENT(S)

O R D E R

Heard learned counsel for the parties.

Leave granted.

Out of fixed term sentence of five years, the appellant-accused has already undergone half of the sentence. The appeal against conviction of the year 2022 is not likely to reach before he completes the entire sentence. Hence, a case is made out for grant of suspension of sentence pending the appeal and grant of bail. For that purpose, the appellant shall be produced before the Trial Court within a period of one week from today.

The Trial Court shall enlarge the appellant on bail on appropriate terms and conditions till the final disposal of the appeal before the High Court.

Before parting with order, we must note here that notwithstanding several decisions of this Court holding that when there is a fixed term sentence and especially when the appeal is not likely to be heard before completing entire period of sentence, normally suspension of sentence and bail should be granted. We find that in several deserving cases, bail is being denied. Such cases should never be required to be brought before this Court.

The appeal is allowed in the afore-stated terms.

Pending application(s) shall stand disposed of.

.....J.
[ABHAY S.OKA]

.....J.
[UJJAL BHUYAN]

New Delhi
February 02, 2024

ITEM NO.43

COURT NO.7

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No.1049/2024

(Arising out of impugned final judgment and order dated 31-08-2023 in IA No. 3683/2023 in Crl. A No.1294/2022 passed by the High Court of M.P Principal seat at Jabalpur)

ATUL @ ASHUTOSH

Petitioner(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

(FOR ADMISSION and I.R. and IA No.266326/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.266330/2023-EXEMPTION FROM FILING O.T. and IA No.266323/2023-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS and IA No.266325/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No.266334/2023-APPLICATION FOR EXEMPTION FROM FILING ORIGINAL CUSTODY CERTIFICATE IA No. 266334/2023 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL CUSTODY CERTIFICATE, IA No. 266326/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 266330/2023 - EXEMPTION FROM FILING O.T. AND IA No. 266325/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 02-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Narender Mishra, Adv.
Mr. Man Singh Chauhan, Adv.
Dr. Sunil K. Aggarwal, Adv.
Mr. Randhir Kumar Ojha, AOR

For Respondent(s) Ms. Mrinal Gopal Elker, AOR
Mr. Abimanyu Singh-G.A., Adv.
Mr. Divyansh Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The Trial Court shall enlarge the appellant on bail on

appropriate terms and conditions till the final disposal of the appeal before the High Court.

The Appeal is allowed in terms of signed order.

Pending application(s) shall stand disposed of.

(RAJNI MUKHI)
COURT MASTER (SH)

(Signed order is placed on the file)

(AVGV RAMU)
COURT MASTER (NSH)