

In the High Court of Judicature for Rajasthan
Jaipur Bench, Jaipur.

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S.B. Criminal Bail Application No.1021/2009
In
S.B. Criminal Appeal No. 1007/2009
Gopi Ram **Versus** State

Date of Order :: 30/09/2009

Hon'ble Mr. Justice Guman Singh.

Mr. Chain Singh Rathore, for accused-applicant.
Mr. Sanjeev Kr. Mehla, PP

Heard counsel for the accused-applicant as well as learned Public Prosecutor for the State and perused the material made available.

This application has been filed by the accused-applicant under Section 389 Cr.P.C. for suspension of sentence.

Learned counsel for the accused-applicant submits that the accused-applicant Gulam Kibariya @ Amidul was convicted for offence under Section 489-C IPC and was sentenced to undergo 2 years rigorous imprisonment along with fine of Rs. 2,000/- vide judgment dated 10/09/2009 passed by the court of Special Judge, Fake Currency Cases, Jaipur City, Japur in Sessions Case No. 05/2009.

Learned counsel further submits that the co-accused Raviul Sheikh was co-accused in this case and he was also awarded similar period of sentence and he has been given the benefit of suspension of sentence by the coordinate Bench of this Court vide order dated 16/09/2009 and the case of the present accused-applicant is similar and he may also be given benefit of suspension of sentence. It has been further argued that the accused-applicant has already undergone almost 14 months imprisonment out of

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total period of 2 years of substantive sentence and that the appeal is likely to take quite some time.

Per contra, learned Public Prosecutor opposed the bail but did not controvert the factual situation stated by learned counsel for the accused-applicant.

In view of the rival submissions advanced by counsel for the accused-applicant, without commenting on the merits of the case, looking to the totality of the circumstances as well as the fact that the co-accused has already been given the benefit of suspension of sentence, I deem it proper to grant indulgence of suspension of sentence to the accused-applicant.

It is, therefore, ordered that the sentence awarded to the accused-applicant Gulam Kibariya @ Amidul son of Joinal Obadeen by the Court of Special Judge, Fake Currency Cases, Jaipur City, Jaipur in Sessions Case No. 05/2009 vide judgment dated 10/09/2009, titled as Gulam Kibariya @ Amidul and others Vs. State, shall remain suspended during the pendency of appeal, provided he furnishes a personal bond in the sum of Rs. 1,00,000/- with two sureties of Rs. 50,000/- each to the satisfaction of the learned lower court with the stipulation to appear before this Court on 30/10/2009 and thereafter whenever called upon to do so.

(Guman Singh), J.