

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc. Suspension Of Sentence Application (Appeal)
No. 336/2024

Aniya @ Anil S/o Shri Daula @ Doliya, Aged About 21 Years, R/o
Amali Kheda P.s Ghantali Dist Pratapgarh

-----Petitioner

Versus

1. State Of Rajasthan, Through PP
2. Jiva S/o Kalu Dholi, R/o Mahudi Mal Amali Kheda P.s
Ghantali Dist Pratapgarh

-----Respondents

For Petitioner(s)	:	Mr. Neeraj Kumar Gurjar Mr. Prakash Banjara
For Respondent(s)	:	Mr. Shriram Choudhary, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR
Order

03/07/2026

Heard learned counsel for the applicant-appellant and the learned Public Prosecutor on the application for suspension of sentence.

Learned counsel for the applicant-appellant submitted that the appellant, who is presently about 23 years of age, has remained in judicial custody for more than two years. He further submitted that the appellant has been falsely implicated in the present case owing to previous animosity between the parties.

Learned counsel for the applicant-appellant further submitted that, although the allegation against the present appellant is that he committed forcible sexual assault upon the minor victim, the testimony of Dr. Neelam Shukla (PW-10), who medically examined the victim, clearly indicates that no internal or external injuries were found on vital part of her body during the medical examination.

Learned counsel further clarified that the statement of the victim could not be recorded before the learned trial Court as she passed away during the pendency of the trial. He further submitted that, apart from the aforesaid aspects, there are several arguable points involved in the present appeal and, having regard to the heavy pendency of criminal appeals before this Court, the appeal filed by the applicant-appellant is not likely to be heard in the near future.

On these grounds, learned counsel for the applicant-appellant prayed that the present application seeking suspension of sentence be allowed.

Per contra, the learned Public Prosecutor vehemently opposed the application. However, upon being queried by the Court, he was not in a position to express any apprehension that the applicant-appellant would abscond or flee from justice in the event the sentence awarded to him by the learned trial Court is suspended.

Upon a consideration of the arguments advanced on behalf of the parties and having regard to the facts and circumstances of the case as available on the record, this Court is of the opinion that it is a fit case for suspending the sentences awarded to the accused-appellant during the pendency of the instant appeal.

Accordingly, the application for suspension of sentence filed under Section 430 BNSS (389 Cr.P.C.) is allowed and it is ordered that the sentence passed by the learned Special Judge, Protection of Children from Sexual Offences Act, 2012 and Commission for Protection of Child Rights Act, 2005 Pratapgarh vide order dated 08.02.2024 in Session Case No.57/2021 (State of Rajasthan Vs.

Aniya @ Anil) against the appellant-applicant **Aniya @ Anil**, shall remain suspended till the final disposal of the S.B. Criminal Appeal No.373/2024 and he shall be released on bail, provided he executes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for their appearance in this court on **05.08.2026** and whenever ordered to do so till the disposal of the appeal on the conditions indicated below:-

1. That he/she/they will appear before the trial Court in the month of January of every year till the appeal is decided.
2. That if the applicant(s) changes the place of residence, he/she/they will give in writing his/her/their changed address to the trial Court as well as to the counsel in the High Court.
3. Similarly, if the sureties change their address(s), they will give in writing their changed address to the trial Court.

The learned trial Court shall keep the record of attendance of the accused-applicant(s) in a separate file. Such file be registered as Criminal Misc. Case related to original case in which the accused-applicant(s) was/were tried and convicted. A copy of this order shall also be placed in that file for ready reference. Criminal Misc. file shall not be taken into account for statistical purpose relating to pendency and disposal of cases in the trial court. In case the said accused applicant(s) does not appear before the trial court, the learned trial Judge shall report the matter to the High Court for cancellation of bail.

(KULDEEP MATHUR),J