

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

S.B. Criminal Appeal No. 429/2020

with

S.B. Cr. Misc. Bail (SOS) Appl. No.461/2020

1. Hukmaram S/o Gyarasa Ram, Aged About 30 Years, R/o Ward No.6 Ramsinghpur, Tehsil Anoopgarh, District Sri Ganganagar.
2. Pawan @ Pamiya S/o Gyarasa Ram, Aged About 52 Years, R/o Ward No.6 Ramsinghpur, Tehsil Anoopgarh, District Sri Ganganagar. (Presently Lodged In Sub Jail Anoopgarh)
3. Bablu @ Modiya S/o Gyarasa Ram, Aged About 36 Years, R/o Ward No. 6 Ramsinghpur, Tehsil Anoopgarh, District Sri Ganganagar. (Presently Lodged In Sub Jail Anoopgarh)
4. Bittu @ Surya Deepak S/o Gyarasa Ram, Aged About 30 Years, R/o Ward No. 6 Ramsinghpur, Tehsil Anoopgarh, District Sri Ganganagar. (Presently Lodged In Sub Jail Anoopgarh)

----Appellants

Versus

The State Of Rajasthan, Through P.p.

----Respondent

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For Appellant(s) : Mr. K.D. Singh  
For Respondent(s) : Mr. Laxman Solanki, PP

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**HON'BLE MR. JUSTICE ARUN BHANSALI**

**Order**

**29/05/2020**

Learned counsel for the parties have been heard through video conferencing on application for Suspension of Sentence.

It is submitted by learned counsel for the applicants that the sentence of the co-accused has been suspended in S.B. Cr. Appeal

No.411/2020 by a Coordinate Bench of this Court by its order dated 24.04.2020, which order has been modified by order dated 22.05.2020.

Learned Public Prosecutor opposed the application for suspension of sentence.

I have considered the rival arguments advanced by the parties and perused the judgment of the court below. Looking to the facts and circumstances of the case, the sentence awarded by the learned trial court and the fact that the applicant was on bail during trial, I consider it just and proper to suspend the sentence awarded to the accused applicant.

Accordingly, S.B. CrI. Misc. Suspension of Sentence Application (Appeal) No.461/2020 filed under Section 389 Cr.P.C. is allowed and it is ordered that the sentence passed by the learned Additional Sessions Judge, Anoopgarh, District Sri Ganganagar in Session Case No.5/2008 (CIS No.341/2014) vide order dated 07.03.2020 against the appellant-applicants **(1)- Hukmaram S/o Gyarasa Ram, (2)- Pawan @ Pamiya S/o Gyarasa Ram, (3)- bablu @ Modiya S/o Gyarasa Ram, & (4)- Bittu @ Surya Deepak S/o Gyarasa Ram**, shall remain suspended till final disposal of the aforesaid appeal and they shall be released on bail, provided they execute a personal bond in the sum of Rs.1,00,000/- each with two sureties of Rs.50,000/- each.

This Court is of the view that in the prevailing circumstances of complete lock-down amidst spread of COVID-19, furnishing of two sureties will be difficult on the one hand and the same may pose eminent threat to the concerned. It is, therefore, ordered that the appellants shall be released on bail upon furnishing the personal bond. He may furnish requisite sureties by 09.06.2020

to the satisfaction of the learned trial court for his appearance in this court on 25.06.2020 and whenever ordered to do so, till the disposal of the appeal on the conditions indicated below:-

1. That they shall appear before the trial Court in the month of January of every year till the appeal is decided.
2. That if the appellants change the place of residence, they shall give in writing 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, they shall give in writing their changed address to the trial Court.

The learned trial Court shall keep the record of attendance of the accused-applicants in a separate file. Such file be registered as Criminal Misc. Case related to original case in which the accused-applicants 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-applicants do not appear before the trial court, the learned trial Judge shall report the matter to the High Court for cancellation of bail.

In case, they fail to furnish surety bonds by the stipulated time, the instant order will come to an end automatically.

**(ARUN BHANSALI),J**

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