

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Appeal (SB) No. 2365/2025
CNR: RJHC010899752025
URN: CRLAS / 5088U / 2025

Rakesh S/o Shri Sahabram, Aged About 37 Years, R/o Mirejwala Thana, Matlirathan, District Ganganagar, Rajasthan. (At Present Lodged At Jodhpur Central Jail)

----Appellant

Versus

State Of Rajasthan, Through PP.

----Respondent

For Appellant(s)	:	Mr. Pravin Kumar Choudhary on behalf of Mr. Manvendra Singh Rathore
For Respondent(s)	:	Mr. Shriram Choudhary, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR
Order

20/07/2026

S.B. Criminal Appeal (SB) No. 2365/2025

Admit.

Cal for the record.

S.B. Cr. Misc. Suspension Of Sentence Appl. No.1904/2025

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

Learned counsel for the appellant-applicant submitted that the appellant-applicant has remained in judicial custody for more than one year and seven months. It was contended that the appellant-applicant has no criminal antecedents and there is nothing on record to indicate that, if released on bail during the pendency of the appeal, he is likely to abscond or misuse the

liberty granted by this Court. Learned counsel further submitted that the present appeal raises several substantial and arguable questions which require detailed consideration at the time of final hearing. However, having regard to the heavy pendency of criminal appeals before this Court, there is no likelihood of the appeal being heard in the near future. It was, therefore, prayed that the substantive sentence awarded to the appellant-applicant be suspended during the pendency of the appeal.

Per contra, learned Public Prosecutor opposed the prayer for suspension of sentence and submitted that the application deserves to be rejected. However, he was not in a position to point out any material on record indicating that the appellant-applicant is likely to abscond, flee from justice or misuse the concession of bail if the substantive sentence awarded to him is suspended.

Having bestowed thoughtful consideration to the rival submissions and upon perusal of the material available on record, this Court is of the considered opinion that the present case deserves consideration for suspension of sentence. While arriving at the aforesaid conclusion, this Court has taken into account the fact that the appellant-applicant has already remained in custody for more than one year and seven months; there is no material available on record indicating any likelihood of his absconding or fleeing from justice if released on bail; he does not have any criminal antecedents; and the appeal is not likely to be heard in the near future owing to the heavy pendency of criminal appeals before this Court.

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 Court, NDPS Act Cases, No.02, Jodhpur, vide judgment dated 20.06.2025 in Sessions Case No.78/2023 (117/2014) against the appellant-applicant **Rakesh S/o Shri Sahabram**, shall remain suspended till the final disposal of the aforesaid appeal and he shall be released on bail, provided he executes 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 trial Judge for his appearance in this court on **21.08.2026** 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