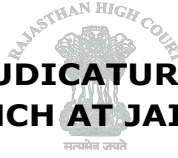




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Misc. Suspension Of Sentence Application No.
744/2026

In

S.B. Criminal Appeal No. 839/2026
URN: SOSA / 1442U / 2026

Bhanuprakash Agarwal Son Of Shri Kapil Kumar Agarwal, Aged About 38 Years, R/o Plot No 15-A, Govind Nagar East, Amer Road, Police Station Bharampuri District Jaipur Rajasthan. (Presently Confined In Central Jail, Jaipur)

-----Accused-Appellant

Versus

State Of Rajasthan, Through Public Prosecutor

-----Respondent

For Petitioner(s)	:	Mr. Amin Ali, Adv., with Mr. Aziz Ali, Adv., and Ms. Mamta Agarwal, Adv.
For Respondent(s)	:	Mr. Amit Punia, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

29/06/2026

1. Heard learned counsel for the applicant-appellant as well as learned Public Prosecutor and perused the material available on record and the judgment of conviction passed by learned trial Court.

2. The applicant-appellant herein has been convicted for offence punishable under Section 376 of IPC vide judgment dated 09.04.2026 passed by learned Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Cases (Additional Sessions Judge No.02), Jaipur Metro-II in Sessions Case



No.212/2022 (CIS No.216/2022) and has been sentenced to maximum punishment of ten years.

3. It is submitted that learned trial Court has erred in convicting and sentencing the appellant as mentioned above. Learned trial Court has not appreciated the evidence in right and correct perspective. Counsel submits that maximum sentence imposed by the learned trial Court is ten years. He further submits that victim of this case is a mature lady, aged about 29 years at the time of lodging the FIR. It is established from the record that applicant and victim of this case were in consensual relationship and the said relationship had existed for ten years. During this period, she conceived a child with the applicant and said pregnancy was terminated. He further argues that there is allegation against the applicant that he sexually exploited the victim on the pretext of a false promise of marriage, which is apparently incorrect as she clearly stated in examination-in-chief that she was betrayed by the applicant on the last moment. He contends that later on dispute arose between the applicant and victim, when applicant entered into marriage with another girl, therefore, false FIR has been lodged. It is also admitted by the victim that physical relations were developed between them at the residence of victim. It is further submitted that applicant-appellant was on bail during trial and there is no allegation against him of misusing the liberty of bail. He argues that there is no immediate prospect of early hearing and disposal of the appeal.

4. Learned Public Prosecutor vehemently opposed the application for suspension of execution of sentence and submits



that the victim has levelled specific allegation against the applicant that she was sexually exploited by him on the pretext of false promise of marriage.

5. Upon a consideration of the arguments advanced on behalf of the appellant and having regard to the facts and circumstances as available on the record, especially the fact that maximum term of sentence is ten years; as also considering the testimony of the victim and other material witnesses and considering the fact that applicant and victim were in relationship for about ten years; age of the applicant as well as victim; appellant was on bail during trial and hearing of the appeal will take long time, but without making any comment on the merits/demerits of the case, this Court is of the opinion that the appellant has available to him strong grounds to assail the impugned judgment of conviction and sentence. Thus, it is a fit case for suspending the sentences awarded to the accused appellant during pendency of the instant appeal.

6. Accordingly, the application for suspension of sentence filed under Section 430 BNSS is allowed and it is ordered that the sentences passed by the learned Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Cases (Additional Sessions Judge No.02), Jaipur Metro-II vide judgment dated 09.04.2026 in Sessions Case No.212/2022 (CIS No.216/2022) against the appellant-applicant **Bhanuprakash Agarwal S/o Shri Kapil Kumar Agarwal** shall remain suspended till 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/- (One Lakh Rupees Only) with two sureties of Rs.50,000/- (Fifty



Thousand Rupees Only) each to the satisfaction of the learned trial Judge for his appearance in this Court on 30.07.2026 and whenever ordered to do so till the disposal of the appeal on the conditions indicated below:-

1. That he will appear before the trial Court in the month of January of every year till the appeal is decided.
2. That if the applicant changes the place of residence, he will give in writing his 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.

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

(ANIL KUMAR UPMAN),J