

2025 LiveLaw (SC) 1049

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
ARAVIND KUMAR; J., N.V. ANJARIA; J.**

OCTOBER 27, 2025

CRIMINAL APPEAL NO. OF 2025 @ SPECIAL LEAVE PETITION (CRIMINAL) NO. 13465/2025

SURAJPAL SINGH JADON *versus* PRASHANT SIKARWAR & ORS.

Code of Criminal Procedure, 1973 (CrPC) — Section 389 - Suspension of Sentence and Bail - Supreme Court expressed dismay at an order passed by the Madhya Pradesh High Court which suspended the sentences of two murder convicts on the condition to plant 10 saplings each as a matter of social cause - Held that Order did not disclose any reason whatsoever as to the basis on which the bail had been granted - Noted that the High Court imposed a condition that the accused persons, convicted under Section 302 IPC, must "carry out plantation of saplings on the premise that it would serve social cause" - The Supreme Court expressed dismay and surprise, noting that the High Court seemed "to have got swayed to grant the prayer for suspension of sentence and grant of bail on the basis they (accused persons) would purge in their misdeeds" - Held that granting bail based on this condition, without considering the merits of the suspension of sentence, could not stand the test of law - Appeal allowed. [Paras 5, 6]

[Arising out of impugned final judgment and order dated 29-04-2025 in CRA No.9582/2023 passed by the High Court of Madhya Pradesh at Gwalior]

For Petitioner(s): Ms. Kajal Sharma, AOR Mr. Rajiv Bakshi, Adv.

For Respondent(s): Mr. Ranjay Kumar Dubey, AOR Mr. Abhimanyu Singh Ga, Adv. Mr. Yashraj Singh Bundela, AOR Mrs. Pratima Singh, Adv. Ms. Saloni Singh, Adv. Mr. Arpit Garg, Adv.

ORDER

1. Heard.
2. Leave granted.
3. This appeal is directed against the order dated 29.04.2025 whereunder Interlocutory Application No.21418/2024 filed on behalf of respondent No.2 – Mahendra Singh Sikarwar in the pending appeal for suspension of sentence and grant of bail and Interlocutory Application No.7523/2025 filed by respondent No.1 – Prashant Sikarwar have been allowed conditionally.
4. Having heard the learned counsel appearing for the parties, we notice that respondent Nos.1 and 2 have been convicted for the offence punishable under Sections 302 and 304 of the Indian Penal Code, 1860 ("the IPC") and sentenced to life imprisonment and one-month rigorous imprisonment with fine of Rs.10,000/- and Rs.500/respectively with default stipulation. However, the impugned order does not even disclose any reason whatsoever as to the basis on which the bail has been granted. On this short ground itself, the appeal deserves to be allowed by setting aside the impugned order.
5. Be that as it may, we are dismayed and surprised to note that under the impugned order, the High Court seems to have got swayed to grant the prayer for suspension of sentence and grant of bail on the basis they (accused persons) would purge in their misdeeds while imposing condition of directing the accused persons (convicted under Section 302 of the IPC) to carry out plantation of saplings on the premise that it would

serve social cause and on the said basis, the bail came to be granted by suspending the sentence without considering the merits which could not stand the test of law. On that additional ground also, the impugned order deserves to be set aside and accordingly, it is set aside. The appeal is allowed. The matter stands remitted to the High Court to dispose of the two Interlocutory Applications referred to herein (supra) on merits and in accordance with law without being influenced in any manner whatsoever by its earlier order which is impugned in the present appeal.

6. Having regard to the fact that by virtue of the impugned order, respondent Nos.1 and 2 have been granted bail, it is made clear that they shall not be taken into custody till the two Interlocutory Applications filed for suspension of sentence and grant of bail are disposed of on merits and in accordance with law and we hope and trust that the High Court will expeditiously dispose of the same and preferably within a period of six weeks from today.

7. Pending application(s) if any shall stand disposed of.

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