

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRR No. 53 of 2018

- Golu @ Suresh Patel S/o Komal Prasad Patel Aged About 23 Years R/o Village Suti, Police Station Kharsiya, District Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Raigarh, (Revenue & Civil), District Raigarh Chhattisgarh.

-----Respondent

12-01-2018	Shri Anand Kesharwani, Counsel for the appellant. Shri Sameer Behar, Panel Lawyer for the State/respondent. Heard. Admit. Also heard on IA No. 01 an application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 28.11.2017 in Criminal Appeal No. 108/2017 passed by Learned Fifth Additional Sessions Judge, Raigarh (C.G.) arising out of Judgment dated 22.07.2017 in Criminal Case No. 648/2014, passed by Judicial Magistrate First Class, Kharsiya, the Appellant stands convicted under Section 354 of the Indian Penal Code and sentence to undergo R.I. for one year with fine of Rs. 1,000/- with default stipulation. Counsel for the appellant submits that the appellant has been falsely implicated in the present case and there is contradiction in the statement of prosecutrix as at one time she says she was accompanied by P.W.-02 and further she says that when P.W.-02 arrived the applicant fled away. It is further submitted that there is various contradiction and omission in the evidence of prosecution witnesses. He further submits that the applicant is in jail since 28.11.2017 and looking to the short sentence awarded to him, he may be released on bail.
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On the other hand, State counsel opposes the bail application.

I have heard learned counsel for the parties.

Considering the evidence available on record, particularly considering that the short sentence awarded to applicant without further commenting on merits of the case, I am inclined to release the appellant on bail.

Accordingly, the bail application is allowed.

It is directed that the substantive jail sentence imposed upon the appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on his furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like sum to the satisfaction of the trial Court. The appellant need not give any appearance until and unless otherwise directed.

Call for the record of the Court below.

List this case for final hearing in due course.

Sd/-

(Arvind Singh Chandel)

JUDGE